



राष्ट्रीय अनुसूचित जनजाति आयोग
National Commission for Scheduled Tribes
(भारत के संविधान के अनुच्छेद 338क के अंतर्गत एक संवैधानिक निकाय)
(A Constitutional body under Article 338A of the Constitution of India)

File No. NCST/SER-668/RJ/22/2022-SSW

Dated: 03.07.2024

To,

Shri Gurjeet Singh Dhillon
Chairman & Managing Director
Hindustan Prefeb Limited
Jangpura, Near Rajdoot Hotel,
New Delhi-110014
Email - hplemd@gmail.com
Phone- 011 -43149822

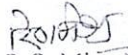
Sub: अनुसूचित जनजाति के सेवानिवृत्त कर्मचारी के साथ अत्याचार

Sir,

I am directed to enclosed herewith copy of the minutes of Sitting held under the Chairmanship of Shri N. Chakma, Hon'ble Member, National Commission for Scheduled Tribes (NCST) on 12.06.2024 at 12:00 Noon in NCST, New Delhi on the above mentioned subject.

It is requested that action taken/to be taken in the matter may be submitted to NCST with stipulated time for placing it before the Hon'ble Member, NCST.

Yours faithfully,


(आर.एस. मिश्र / R.S. Misra)
अनुसंधान अधिकारी / Research Officer
Tel: 011-24641640.

Copy to:

श्री किशन लाल शोलिया,
ग्राम व पोस्ट - झेरली, वाया पिलानी,
जिला - झुन्झुनू (राजस्थान) - 333031
(Mob No. 9354114227)

Copy for information to:

1. PS to Hon'ble Member (Shri N.C), NCST
2. NIC. NCST for uploading on the website of the Commission.

National Commission for Scheduled Tribes
(F. No. NCST/SER-668/RJ/22/2022-SSW)

Minutes of the Sitting held under the Chairmanship of Shri Nirupam Chakma, Hon'ble Member, National Commission for Scheduled Tribes at Lok Nayak Bhawan, New Delhi, in the case of Shri Kishan Lal Sholia, retired Sr. Clerk, Hindustan Prefab Ltd. (HPL), New Delhi regarding reduction of Earned Leaves.


Date of the sitting: 12.06.2024, 12:00 (Noon)
Participants in the Sitting - As per Annexure

Shri Kishan Lal Sholia, (retired Sr. Clerk), IBM No. 9710, HPL, Village and Post –Jhareli, District – Jhunjunu (Rajasthan) vide his representation dated 23.09.2022 has informed that the HPL has deducted Rs. One Lakh Seventy Two Thousand from his retirement fund, as he was given leave encashment of 220 days only. On the other hand, junior clerks who had retired earlier were given leave encashment of 300 days.

2. NCST vide notice of even number dated 16.11.2022 had referred the matter to Chairman and Managing Director, Hindustan Prefab Limited and requested to furnish the facts and comments within 30 days from the receipt of the notice. HPL vide its reply dated 05.01.2023 has stated that as per rule of the Company, the ceiling of Earned Leave (EL) in respect of employees under Workmen Category is 180 days, whereas in respect of employees Staff Category is 300 days. A decision was taken to review the case of re-designation, for which a Committee including an External Member was constituted to deal with the issue of ceiling of Earned Leave (EL) to be regulated to the employees who were brought to Staff (IBM) Category from Workers (Token) Category as per need of the Company. With regard to Leave Encashment, the External Member (Sh. Shashi Ranjan Rai, AGM (HRM), NBCC had opined that the leave encashment may be given on pro-rata basis commensurate to the service periods as token-holder employee as well as IBM-holder employee subject to actual EL, as the case may be. This decision will also applicable in future in respect of all such cases of employees. Accordingly, the ceiling of EL on pro rata was calculated to 220 days, for which payment has already been released as per rules to Sh. Kishan Lal Sholia on 02.09.2022.

3. The reply was forwarded to the petitioner vide NCST letter dated 24.01.2023. The petitioner vide his rejoinder dated 02.02.2023 refuted the facts and comments and stated that HPL is misleading the Commission. Several juniors were given 300 days leave encashment while he has been given only 220 days. This was forwarded to HPL for further comments on 28.02.2023, followed by reminder on 02.06.2023. The HPL, vide letter dated 26.06.2023 has reiterated its earlier comments and stated that petitioner is raising issue again and again. The petitioner was not satisfied with the reply and requested for justice.


4. Accordingly, The Commission decided to discuss the issue with Chairman & Managing Director, Hindustan Prefab Limited and the petitioner on 12.06.2024 to resolve the issue. In the sitting, the CMD, HPL and the petitioner were present. The CMD stated that HPL had already decided to give EL on pro-rata basis, but the issue was continuously raised at several forums including the administrative Ministry. HPL could not justify the decision to give EL on pro rata basis, as there are no existing rules. Hence it was decided to give EL as per employee post category. Since the petitioner had retired in workmen category, he was only eligible for EL of 180 days. Therefore, HPL management has issued the notice to petitioner for depositing excess amount. The petitioner informed that employees, who had retired earlier, had been given benefit of 300 days EL while he was given 220 days only and now the company is making further recovery to reduce it to 180 days. He further informed that the amount has been deducted from his account.


निरुपम चाकमा / Nirupam Chakma
सदस्य / Member
राष्ट्रीय अनुसूचित जनजाति आयोग
National Commission for Scheduled Tribes
भारत सरकार / Government of India
नई दिल्ली / New Delhi

5. The Commission observed that HPL had itself promoted him and other employees, then re-designated him. Due to that, the company reduced retirement benefits and recovered the amount, as stated by the petitioner. The Commission took a strong view on the action initiated by the HPL management for recovery of the amount.

6. After hearing both the sides, the Commission recommends the following and suggested the ATR may be submitted within 4 weeks of time.

- (i) HPL management may provide the present position of the case filed before the Hon'ble Court at Saket, New Delhi against Sh. Kishan Lal Sholia.
- (ii) The petitioner is also advised to provide valid proof for depositing recovery amount, as initiated by HPL.
- (iii) The HPL management may also supply the information regarding cases filed by HPL against the other employees, who have not submitted the recovery amount.
- (iv) A copy of respective rules under which 180 days leave is allowed to the petitioner after retirement.


निरुपम चाकमा / Nirupam Chakma
सदस्य / Member
राष्ट्रीय अनुसूचित जनजाति आयोग
National Commission for Scheduled Tribes
भारत सरकार / Government of India
नई दिल्ली / New Delhi

Annexure

List of participants in the Sitting held on 12.06.2024 at 12:00 Noon under the Chairmanship of Shri Nirupam Chakma, Hon'ble Member, National Commission for Scheduled Tribes at Lok Nayak Bhawan, New Delhi, in the case of Shri Kishan Lal Sholia, retired Sr. Clerk, Hindustan Prefab Ltd. (HPL), New Delhi regarding reduction of Earned Leaves.

I.	<u>Hindustan Prefab Limited, New Delhi</u>
	Shri G.S. Dhillon, CMD
	Shri Deshraj, AAO
II.	<u>Petitioner</u>
	Shri Kishan Lal Sholia