



भारत सरकार

Government of India

राष्ट्रीय अनुसूचित जन जाति आयोग

National Commission for Scheduled Tribes

(A Constitutional Body set up under Art. 338A of the Constitution of India)

Case File No. JMM/7/2018/MFIN9/SEOTH/RU-IV

Dated: 18.09.2018

To,

The Chairman cum Managing Director,
Oriental Insurance Company Limited,
Oriental House, P.B. No. 7037,
A-25/27, Asaf Ali Road,
New Delhi – 110 002.

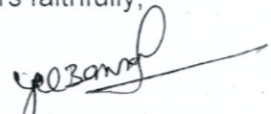
Sub: Proceedings of the Sitting taken by Shri Nand Kumar Sai, Hon'ble Chairperson, National Commission for Scheduled Tribes (NCST) on 06.09.2018 in the matter of Shri Jaimal Meena, Deputy Manager (Retired), OICL, Jaipur regarding retirement benefit.

Sir,

I am directed to enclose a copy of the Proceedings of the Sitting held on 06.09.2018 under the Chairmanship of Shri Nand Kumar Sai, Hon'ble Chairperson, National Commission for Scheduled Tribes on the above mentioned subject.

It is requested that action taken report in the matter may be intimated to the Commission, within one month positively for placing the same before the Hon'ble Chairperson, NCST.

Yours faithfully,


(Y.K. Bansal)
Research Officer

Copy to:

Shri Jaimal Meena,
133, Vivek Vihar,
New Samganer Road,
Sodala, Jaipur – 302 019
(Rajasthan).

Copy to: — SAS, NIC, NCST.

NATIONAL COMMISSION FOR SCHEDULED TRIBES

JMM/7/2018/MFIN9/SEOTH/RU-IV


PROCEEDINGS OF SITTING HELD ON 06.09.2018 AT 03.00 P.M. CHAIRED BY SHRI NAND KUMAR SAI, HON'BLE CHAIRPERSON, NATIONAL COMMISSION FOR SCHEDULED TRIBES (NCST) IN THE CASE OF SHRI JAIMAL MEENA (RETD). ORIENTAL INSURANCE COMPANY LIMITED (OICL), JAIPUR (RAJASTHAN) REGARDING RETIREMENT BENEFIT.

Date of Sitting: 06.09.2018

List of officers present in sitting is Annexed.

The National Commission for Scheduled Tribes was received a representation dated 01.05.2018 from Shri Jaimal Meena, Deputy Manager (Retired), Oriental Insurance Company Limited, Jaipur regarding gr evances of non payment of retirement benefits, stagnation increment, non sanction of special medical leave, non grant of seniority benefits etc. He has raised the following grievances.

- (i) The OICL Management has not granted stagnation increment w.e.f. July, 2011 as per rules as he was fully eligible for getting the stagnation increment.
- (ii) His previous 3 years ACRs for the periods of 2008-09, 2009-10 and 2010-11 was graded as Average despite his satisfactory performance and no penalty/Memo. He had submitted representation for upgradation of ACRs during the year 2012 and 2016. But the same was not considered and reviewed.
- (iii) He was retired on 30.06.2017 without getting stagnation increment despite no penalty or vigilance clearance. He was not on LOP in his whole service tenure.
- (iv) He fell ill due to Cancer illness in the year 2015. Thereafter, he had applied 73 days full pay Special Medical Leave with all relevant documents before the OICL Management. However, he was granted 73 days of half pay Special Medical Leave despite a provision of providing 180 days half pay Special Medical Leave as per OICL Manual. Thus, he was denied benefit of full pay leave and his pay was deducted.
- (v) His promotion as Scale III was approved in the year 2000 and he was transferred on promotion to Baroda Regional Office. He has made a request for changing of transfer order. The OICL administration did not consider his request. Thereafter, the OICL Management has asked to join the duty on transferred place within 3 days which is violation of transfer policy. Then his promotion was cancelled. His promotion was revoked in the year 2002 after making several representations. Thus, he was denied the benefits of seniority and monetary benefits of promotional posts.


नन्द कुमार साय/Nand Kumar Sai
अध्यक्ष/Chairperson
राष्ट्रीय अनुसूचित जनजाति आयोग
National Commission for Scheduled Tribes
भारत सरकार/Govt. of India
नई दिल्ली/New Delhi

2. As per procedure, the Commission took up this case with the CMD, Oriental Insurance Company Ltd., New Delhi vide NCST its letter dated 21.05.2018 and sought a report.

3. The OICL vide its letter dated 15.06.2018 has submitted the following facts in this case.

- Shri Jaimal Meena was due for 1st stagnation increment in scale III cadre w.e.f. 01.07.2011, but as the evaluation report of the officer for release of 1st stagnation increment given by the Reporting and Reviewing Officer was not satisfactory and they had recommended not to release the Stagnation increment to Sh. Jaimal Meena and therefore, the Competent Authority had denied the same. The 2nd stagnation increment would have been due w.e.f. 01.07.2014 only if 1st stagnation increment was sanctioned to the above officer w.e.f. 01.07.2011. Thus, on receipt of satisfactory job evaluation report and recommendations from CRM, RO Jaipur vide letter dated 16.01.2015, the Competent Authority sanctioned 1st stagnation increment to Shri Jaimal Meena w.e.f. 01.07.2014. Subsequently, Shri Jaimal Meena would have been due for 2nd stagnation increment in Scale III cadre w.e.f. 01.07.2017, but he was promoted to the cadre of Manager (Scale IV) on 30.10.2015 and therefore, no further stagnation increment in scale III cadre could be considered.
- The provision governing sanction of Special Sick Leave is "if an employee suffering from any of the none major diseases of Cancer, T.B., Paralysis, Brain Tumor, Cardiac Ailment, Kidney diseased, AIDs or mental disease, he may be allowed Special Sick Leave on half pay for a period not exceeding six months, if he has to his credit no sick leave admissible to him. Accordingly, the Special Sick Leave for 73 days on half pay basis was sanctioned to Shri Meena."

4. As the Department's report was found to be unsatisfactory, therefore, the Hon'ble Chairperson, NCST has decided to have a Sitting with the CMD, OICL to resolve the petitioner's issues on 06.09.2018 in the Commission. Accordingly, the General Manager (P) along with other Senior Officers from OICL appeared in the Commission. The petitioner was also present.

5. During the sitting, the petitioner has submitted his grievances of non payment of Special Medical Leave, stagnation increment w.e.f July, 2011, upgradation of ACRs and seniority with monitory benefits of promotion. Thereafter, the GM(P), OICL has submitted the brief of the case before the Commission.

6. After hearing from both side, the Commission's observations and recommendations as follows:

- Non payment for Special Medical Leave - The Commission observed that the petitioner was fell ill due to chronic disease of Cancer in the year 2015. As per OICL Manual, the provision governing sanction of Special Sick



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Leave is "if an employee suffering from any of the major diseases of Cancer, T.B., Paralysis, Brain Tumor, Cardiac Ailment, Kidney disease, AIDs or mental disease, he may be allowed Special Sick Leave on half pay for a period not exceeding six months (180 days), if he has to his credit no sick leave admissible to him. The petitioner, Shri Meena had applied for 73 days' full pay Special Medical Leave with submission of all relevant documents of the disease, which comes 146 days of half day Special Medical Leave against the sanctioned leave of 180 days. However, the OICL administration has sanctioned 73 days half day Special Medical Leave which is a gross violation of OICL Manual. Thus, he was denied legitimate benefits.

The Commission, therefore recommends that the CMD, OICL should review the matter and should take necessary action to sanction of 73 days' full pay Special Medical Leave instead of 73 half day Special Medical Leave and release payment for said leave taking into consideration of the provisions made in OICL's Manual on sanction of Special Medical Leave.

- Stagnation increment: - It was reported to the Commission that release of stagnation increment is based on the Special Report on performance by the Reporting Officer. However, the petitioner was stated that the OICL Administration has issued a circular that the stagnation increment will be released on the basis of Annual Confidential Reports. Since, his Annual Confidential Reports were good and at par with bench mark. Hence, denial of stagnation increment w.e.f. July, 2011 is prejudice steps and caste based harassment.

The Commission observed that the petitioner became eligible for stagnation increment w.e.f. July, 2011. As per OICL Manual, the stagnation increment is released on the basis of reviewing of work record, conduct and performance as reflected in the Confidential Reports. However, the OICL Management is stated that there is no link in between the Annual Confidential Reports and Special Report for stagnation increment. The Commission recommends that the petitioner will submit relevant documents and justification for release of stagnation increments so that it should be established that there was a caste based discrimination. The OICL Management will examine the issue and would take necessary corrective steps to release the stagnation increment w.e.f. July, 2011 to the petitioner.


- Denial of promotion and seniority w.e.f. March, 2000:- The petitioner was stated that he was issued promotion order in the year 2000 and the same was cancelled due to denial of opportunity to join the duty at promotional post. The Department was stated that the petitioner was asked to join the promotional post (Scale-III) by 31.03.2000 and in this regard the petitioner was repeatedly asked to join the duty. However, the petitioner has failed


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to join the duty within stipulated period and therefore, his promotion order was cancelled. However, he was promoted in the year 2002 after joining duty as promotional post. This issue was earlier examined by the Commission and the Company has given all requisite record to the Commission. The Commission observed that the promotion order was received by the petitioner on 24.03.2000 and there was no mention about joining of duty by 31.03.2000. As per promotion order, 21 days are granted to join the duty at promotional post. The petitioner was willing to join the duty. But his promotion order was cancelled due to non joining of duty by 31.03.2000. Thus, prima facie, it appears to be a case of discrimination with the Scheduled Tribe candidate wherein no opportunity was provided to the petitioner to join the duty at promotional post.

The Commission recommends that the OICL Management may submit a comprehensive report in the matter. Thereafter, on receipt of the report, the Commission will examine the said issue and would decide the matter accordingly.

- The OICL Management is directed to submit an action taken report to the Commission within 30 days.


17.9.18

नन्द कुमार साय/Nand Kumar Sai
अध्यक्ष/Chairperson
राष्ट्रीय अनुसूचित जनजाति आयोग
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NATIONAL COMMISSION FOR SCHEDULED TRIBES

Annexure

(File No. JMM/7/2018/MFIN9/SEOTH/RU-IV)

List of participants

NCST

1. Shri Nand Kumar Sai, Hon'ble Chairperson (In chair)
2. Miss Maya Chintamn Ivnate, Hon'ble Member
3. Shri S.K. Ratho, Joint Secretary
4. Shri P.T. Jameskutty, Hon'ble Member
5. Shri Y.K. Bansal, Research Officer
6. Shri H.R. Meena, Sr. Investigator

Officers of Oriental Insurance Company Ltd. (OICL)

1. Shri Atul Sahai, General Manager
2. Smt. Meenakshi Talwar, Deputy General Manager
3. Shri Anup Kr. Dutta, Chief Manager & CLO
4. Shri Arvind Saxena, Chief Manager

Petitioners

1. Shri Jaimal Meena
2. Ms. Urvashi Meena