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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. PBK/1/2018/MFIN8/SEPROM/RU-IV

Dated: 15.10.2018

To,

The Managing Director and CEO,
IDBI Bank Limited,
IDBI Tower, WTC Complex,
Cuffe Parade, Colaba,
Mumbai – 400 005 (Maharashtra).

Sub: Proceedings of the Sitting taken by Shri Nand Kumar Sai, Hon'ble Chairperson, National Commission for Scheduled Tribes (NCST) on 28.09.2018 in the matter of Shri Jagmohan Samad, Deputy General Manager, Internal Audit Department, Corporate Centre, Mumbai regarding denial of promotion.

Sir,

I am directed to enclose a copy of the Proceedings of the Sitting held on 28.09.2018 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:

1 Shri Jagmohan Samad,
Deputy General Manager,
IDBI Bank Limited, 12th Floor,
D Wing,
Internal Audit Department,
IDBI Tower, Cuffe Parade,
WTC, Mumbai – 400 005

2

Shri B.B. Gawali,
General Secretary,
All India IDBI SC/ST/OBC Officers Association,
IDBI Bank Limited, 12th Floor, D Wing,
Mid Corporate Group,
IDBI Tower, Cuffe Parade,
WTC, Mumbai – 400 005.

Copy to -

✓ J. SAC, NIC, NCST.

NATIONAL COMMISSION FOR SCHEDULED TRIBES

PBK/1/2018/SEPPROM/RU-IV

PROCEEDINGS OF SITTING HELD ON 28.09.2018 AT 12.30 P.M. CHAIRED BY SHRI NAND KUMAR SAI, HON'BLE CHAIRPERSON, NATIONAL COMMISSION FOR SCHEDULED TRIBES (NCST) IN THE CASE OF SHRI JAGMOHAN SAMAD, DEPUTY GENERAL MANAGER, INTERNAL AUDIT DEPARTMENT, CORPORATE CENTRE, MUMBAI REGARDING DENIAL OF PROMOTION.

Date of Sitting: 28.09.2018

List of officers present in sitting is Annexed.

The National Commission for Scheduled Tribes was received a representation dated 30.05.2018 from Shri Jagmohan Samad, Deputy General Manager, Internal Audit Department, Corporate Centre, Mumbai regarding denial of promotion from Grade 'D' to Grade 'E'.

2. Shri Jagmohan Samad alleged that he fulfilled entire eligibility criterion for promotion and accordingly participated in the promotion process for the F.Y. 2018-19. He did fare well in group discussion and interview. Earlier he joined the Bank directly as Staff Officer on 03.07.1990 and during the last 27 years he worked in various department in the Bank. His APAR for last 8 years are Very Good and accepting authorities also recommended his suitability for accepting higher responsibilities and recommended for promotion. Prior to this, he had participated in the promotion process from Grade 'D' to Grade 'E' during the promotion year 2016-17. But his promotion was not considered despite his overall service records. He had submitted an appeal for promotion and the same was not considered favourably. Presently he has submitted an appeal for consideration of his promotion during the F.Y. 2018-19 and the same is pending before the Appellate Authority. It is also mentioned here that the representation of ST in the GM and above cadre are very low.

3. As per procedure, the Commission took up the matter with the Managing Director & CEO IDBI Bank, Mumbai vide notice dated 24.07.2018.

4. The IDBI Admn., Mumbai has reported that Shri Jagmohan Samad appeared for promotion process to Grade E for the year 2018-19 on May 14, 2018. In terms of extant promotion policy, the Selection Committee prepares a merit list of candidates who have secured minimum qualifying marks in the interview, based on the total marks secured by the candidate in Group Discussion and Interview along with Average APAR marks for the last 3 years, and score for Overall Service Records. The list is prepared on descending order of such total marks secured by the candidates appeared in the promotion process. Officers equal to the number of available vacancies to be filled are



नन्द कुमार साय/Nand Kumar Sai
अध्यक्ष/Chairperson

promoted. Since Shri Samad has not secured minimum qualifying marks in the interview, he was not qualified to be in the merit list of promotion. Shri Samad had also submitted online application in respect of his appeal for non-promotion to Grade- 'E' to the Appellate Authority on May 30, 2018 for consideration of his promotion to Grade 'E' and the same is under consideration.

5. Since, Bank's report found to be unsatisfactory and the Hon'ble Chairperson, NCST has conducted Sitting on 28.09.2018 with the Bank Management in presence of the petitioner.

6. The Executive Director, IDBI Bank and General Manager (HR), IDBI Bank appeared. The petitioner was also present.

7. The Hon'ble Chairperson, NCST asked the petitioner to present his grievances. Accordingly, the petitioner informed the Commission that he became eligible for consideration of promotion from Grade 'D' to Grade 'E' and he participated in promotion process in the financial year 2016-17. He did fare well in promotion process. But his promotion was not considered despite fulfilling all eligibility criterion. Thereafter, he again participated in promotion process for the F.Y. 2018-19. But during this period, he was not promoted despite his overall good service records. Hence, being aggrieved, he had preferred an appeal for promotion before the Appellate Authority and the same was not considered.

8. The Bank Officers was also asked to explain the reasons for non promotion of an eligible ST candidate. The Executive Director, IDBI informed the Commission that the Bank has a promotion policy. As per Bank's promotion policy, the Selection Committee prepares a merit list of candidates who have secured minimum qualifying marks in the interview, based on the total marks secured by the candidate in Group Discussion and Interview along with Average APAR marks for the last 3 years, and score for Overall Service Records. The list is prepared on descending order of such total marks secured by the candidates appeared in the promotion process. Officers equal to the number of available vacancies to be filled are promoted. Since Shri Samad has not secured minimum qualifying marks in the interview, he was not qualified to be in the merit list of promotion. Shri Samad had also submitted online application in respect of his appeal for non-promotion to Grade-'E' to the Appellate Authority on May 30, 2018 for consideration of his promotion to Grade 'E' and the same is under consideration.

9. The matter discussed in detail. The Commission observed that the petitioner served in the Bank for 27 years with all good service records and have shouldered higher responsibilities. The petitioner's APAR for last 7 years were very good which is a bench mark for the consideration of promotion. The petitioner became eligible for consideration of promotion for Grade 'E' in the year 2016 and he has also participated

in the promotion process in F.Y. 2016-17. But his promotion was not considered. He again appeared in the promotion process during F.Y. 2018-19 and that period, his promotion also not considered. The Commission also noted that the DoPT has issued instructions to grant relaxation/concessions to the Scheduled Tribes while considering promotions in higher cadre posts. The representation of Scheduled Tribes is also very low in higher cadre in the Bank. Thus, it appears to be a case of discrimination and deprivation of rights of Scheduled Tribes.

10. The Commission's recommendations is as follows:

- The CMD, IDBI bank should review the petitioner's promotion case on the basis of the appeal preferred by him and decide favourably.
- All records pertaining to the promotion case in which the petitioner had participated in promotion process during F.Y. 2016-17 and 2018-19 along with marks obtained by all the candidates appeared in the promotion process.
- The recommendation of the Selection Committee and copy of promotion policy be also provided.

11. The above information should be submitted before the Commission by 09.10.2018 in the Commission for further investigation and deciding the case. The matter will be taken up for next Sitting after detailed examination of the case.

229 11.10.18
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

NATIONAL COMMISSION FOR SCHEDULED TRIBES

Annexure

(File No. PBK/1/2018/SEPROM/RU-IV)

List of participants

NCST

1. Shri Nand Kumar Sai, Hon'ble Chairperson (In chair)
2. Miss Anusuiya Uikey, Hon'ble Vice-Chairperson
3. Shri Hari Krishna Damor, Hon'ble Member,
4. Smt. Maya Chintamn Ivnate, Hon'ble Member
5. Shri S.K. Ratho, Joint Secretary,
6. Shri P.T. Jameskutty, Deputy Secretary
7. Shri Y.K. Bansal, Research Officer
8. Shri Sudhir Atram, PS to Hon'ble Member (MCI)
9. Shri H.R. Meena, Sr. Investigator

Officers of IDBI Bank

1. Shri G.A. Tadas, Executive Director
2. Shri. Rajesh Rathod, General Manager – HR
3. Shri P.M. Suresh, General Manager – HR

Petitioners

1. Shri R. Hamu
2. Shri Jagmohan Samad
3. Shri B.B. Gawali, General Secretary, All India IDBI Bank SC/ST Employees Welfare Association.