

1956



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)

File No. RH/38/2016/MFIN9/SEHRMT/RU-IV

Dated: 25.10.2018

To,

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

Sub: Proceedings of the sitting taken by Smt. Maya Chintamn Inate, Hon'ble Member, National Commission for Scheduled Tribes (NCST) on 28.09.2018 at 12.30 P.M. in the matter of Shri Ramavath Hamu, Assistant General Manager, IDBI Bank, Raipur, Chhattisgarh regarding harassment.

Sir,

I am directed to enclose a copy of the Proceedings of the Sitting held under the Chairmanship of Smt. Maya Chintamn Inate, Hon'ble Member, National Commission for Scheduled Tribes on 28.09.2018 on the above mentioned subject for necessary action at your end.

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 Member, NCST.

Yours faithfully,

(Y.K. Bansal)

Research Officer

Copy to:-

Shri Ramavath Hamu,
Assistant General Manager,
IDBI Bank, Currency Chest,
Block A, Pujari Complex,
Pachpedhinaka,
Raipur – 492 001 (Chhattisgarh).

Copy to: - SAS, NIC, NCST.

NATIONAL COMMISSION FOR SCHEDULED TRIBES

RH/38/2016/MFI9/SEHRMT/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 RAMAVATH HAMU, ASST. GENERAL MANAGER, IDBI BANK, RAIPUR, CHHATTISGARH REGARDING HARASSMENT ON CASTE GROUND AND 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 from Shri Ramavath Hamu, Asst. General Manager, IDBI Bank, Raipur, Chhattisgarh regarding harassment on caste ground and denial of promotion to the post of DGM (Grade-D).

2. Shri Ramavath Hamu (petitioner) has submitted the following grievances.

- a) He was transferred from Hyderabad to Raipur on 08.08.2016 as Head Currency Chest, Raipur. But his assignment was changed from Head Currency Chest to Team Member by degrading his designation at the same location/centre on 21.11.2016.
- b) He was posted under Junior Officer (who was five years junior to him) in the same location/centre at Raipur on 22.11.2016.
- c) Derogatory words mentioning his community name and misbehaviour was committed against him by one Shri Ajay Sharma, Zonal Head and CGM, IDBI Bank on 07.12.2016. In this regard he made written complaint on 22.11.2016 to MD & CEO, IDBI Bank Ltd., Local Police Station, National Commission for Scheduled Tribes, Finance Ministry, NHRC etc with all the required evidences. But no action was taken against guilty officer by the Bank Management.
- d) He was also received threatening calls to withdraw the Police complaint. He was also assured by the MD & CEO of IDBI Bank to take action against guilty officer. But nothing was done in the case.
- e) He was denied his legitimate promotion to the post of DGM during the promotion years 2011,2014,2015,2016 and 2018. During all these years, his service records was Very Good and he was awarded by the Top Management by the Bank for his excellence performance.
- f) During the financial year ending March, 2016, his APAR was graded as Outstanding (98% marks) by the Reporting Authority and Review Authority. However, the Accepting authority has reduced his grading marks i.e. from 98% to 75% without application of mind and justification.
- g) During 2016 promotion process, the Promotion Committee awarded 100% marks and remaining parameters he had secured more than 90% marks. But intentionally qualifying marks not awarded in interview only and not promoted.


नन्द कुमार साय/Nand Kumar Sai
अध्यक्ष/Chairperson
राष्ट्रीय अनुसूचित जनजाति आयोग
National Commission for Scheduled Tribes

Since 2011 management is not awarding qualifying marks in interview only and not promoting to DGM Cadre.

h) His performance since his joining at the Bank i.e. from 2007 is excellent and appreciated by his higher officers. But his promotion was denied. Moreover, since 2011, more than 466 officers who are junior to him were promoted to DGM Cadre.

3. As per procedure, the Commission took up the matter with the Managing Director & CEO IDBI Bank, Mumbai vide notice dated 06.01.2017 and 29.08.2018 for seeking a report. However, the IDBI Bank has submitted report on the issue of caste based harassment.


4. The IDBI Bank Admn vide its letter dated 07.03.2018 has reported the facts in respect of allegation of harassment that the petitioner's allegations were inquired by constitution of an Inquiry Committee by the Bank and the Committee in its finding observed that there is no evidence to establish the allegations made by the petitioner against Shri Ajay Sharma. The petitioner could also not provide the evidence in the case. The Police authority had also investigated the case and concluded that the complaint of petitioner was found to be false.

5. Since the Bank's report was found to be unsatisfactory. Hence a Sitting was fixed on 28.08.2018 in the Commission.

6. The Executive Director and General Manager (HR) from IDBI Bank appeared in the Sitting. The petitioner was also present.

7. During the Sitting the petitioner has submitted his grievances of caste based harassment, using derogatory words and misbehaviour by Shri Ajay Sharma, CGM, IDBI Bank, Bhubaneswar. No action was taken against the guilty officer by the Bank Management despite assurance given by the ex-CMD of the Bank. The Police authority has also not investigated the matter and did not file any FIR against the guilty Officer under the Atrocity Act. Thus the guilty officer was spared without taking any punitive action. He also raised the grievances of denial of promotion to the post of DGM since, 2011 despite fulfilling all eligibility criteria and excellent service records.

8. The Hon'ble Chairperson, NCST asked the Bank Officers to explain the facts and reasons for petitioner's harassment and non promotion of an eligible ST candidate. The Executive Director, IDBI informed the Commission that with regard to petitioner's grievances of his caste based harassment by the CGM, IDBI Bank, it is stated that the allegations were investigated by an Inquiry Committee and the charges levelled against CGM, IDBI Bank could not be found to be genuine. The Police authority has also investigated the case and concluded that the charges were not proved. Regarding petitioner's promotion, 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


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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 Hamu could not secure minimum qualifying marks in the interview and thus he could not qualify to be in the merit list of promotion.

9. The matter was discussed in detail. The Commission observed that while posting at Raipur Branch, he was harassed and misbehaved on caste ground by Shri Ajay Sharma, CGM, IDBI Bank. The petitioner has provided enough documents to prove his charges before the Bank Management. But without taking into consideration of the petitioner's evidences, the issue was closed and no action was taken against the guilty officer by the Bank Management. It is a serious matter wherein the petitioner was harassed on caste ground and the Bank Management as well as the Police authority has failed to take punitive action against the guilty officer. Regarding promotion, the Commission observed that the petitioner has been working in the Bank since 2007 with excellent good service record and his performance appraisal was Very Good. However, despite having good service record, getting awards and hardworking, his promotion to the post of DGM was not considered since 2011 to the current financial promotion year 2018-19. There is no justification provided by the Bank for denial of promotion. The Commission also noted that the petitioner's APAR was downgraded by the Accepting Authority despite given higher grading i.e. 98% by the Reporting Officer and Reviewing Officer. This seems to be case of deprivation of rights of promotion to an eligible and hardworking Scheduled Tribe Officer.

10. In view of the above, the Commission recommends:

- The petitioner will submit a detailed representation regarding his caste based harassment and misbehaviour against Shri Ajay Sharma, CGM, IDBI Bank to the Commission.
- The Bank Management will submit all the requisite documents pertaining to denial of petitioner's promotion to the post of DGM since 2011 to till date with details of marks awarded to the petitioner and other candidate appeared in the promotion process. It will also submit justification about non-promotion despite fulfilling all eligibility criteria and good service records. The justification about giving less marks in the interview may also be provided. The detailed information should be submitted before the Commission within a week's time.
- On receipt of the information, the matter would be examined once again by the Commission in detail.


18.10.18
नन्द कुमार साय/Nand Kumar Sai
अध्यक्ष/Chairperson
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