



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. BSB/5/2016/MFIN9/SEOTH/RU-IV

Dated: 06.12.2018

To,

The Chairman Cum Managing Director,  
Union Bank of India,  
Union Bank Bhawan,  
239, Vidhan Bhavan Marg,  
Nariman Point, Mumbai- 400021  
(Maharashtra)

Sub: Proceedings of the sitting taken by Hon'ble Chairperson, National Commission for Scheduled Tribes (NCST) on 26.11.2018 in the matter of Shri Bhagwat Shyamrao Bende, Nagpur, Maharashtra regarding reinstatement into service in Union Bank of India.

Sir,

I am directed to enclose herewith a copy of the Proceedings of the Sitting held on 26.11.2018 under the Chairmanship of Shri Nand Kumar Sai, Hon'ble Chairperson, National Commission for Scheduled Tribes on the above mentioned subject for necessary action and submission of compliance report to this Commission expeditiously for placing the same before the Hon'ble Chairperson, NCST.

Yours faithfully,

*(Signature)*  
(Y.K. Bansal)  
Research Officer

Encl: As above

Copy to:

Shri Bhagwat Shyamrao Bende,  
Sai Prasanna Apartment,  
Plot No. 12, Flat No. 102,  
Santh Kripa Society,  
Narendra Nagar,  
Nagpur (Maharashtra)

*Copy to: - SAS, NIC, NCST.*

NATIONAL COMMISSION FOR SCHEDULED TRIBES

BSB/5/2016/MFIN9/SEOTH/RU-IV

PROCEEDINGS OF SITTING HELD ON 26.11.2018 AT 02.00 NOON CHAIRED BY SHRI NAND KUMAR SAI, HON'BLE CHAIRPERSON, NATIONAL COMMISSION FOR SCHEDULED TRIBES (NCST) IN THE MATTER OF REPRESENTATION OF SHRI BHAGWAT SHYAMRAO BENDE, SR. MANAGER, UNION BANK OF INDIA, MUMBAI, MAHARASHTRA REGARDING REINSTATEMENT INTO SERVICE IN UNION BANK OF INDIA.

Date of Sitting: 26.11.2018

List of participants present in sitting is Annexed.

Shri Bhagwat Shyamrao Bende, vide representation dated 17.02.2016 has requested the Chairman of the Commission for reinstatement his service in Union Bank of India.

Shri Bhagwat Shyamrao Bende, Sr. Manager, Union Bank of India, Mumbai, Maharashtra stated that order of dismissal dated 27.08.2015 issued by the Chief Manager (IR), Mumbai is not a speaking order but contain only general observations which is not good enough to pass such a harsh punishment of dismissal from service.

Shri Bende had filed an appeal dated 29.10.2015 before the Department of Personnel, UBI, Mumbai for reconsideration of his case. But his appeal too was rejected.

Shri Bende had represented before RO, NCST, Bhopal. RO, Bhopal took up the matter with the UBI on 23.11.2015. UBI responded to RO Bhopal vide letter dated 11.12.2015. The UBI in its letter dated 11.12.2015 stated that "the Bank is a financial institution dealing in public money and holding the funds in fiduciary capacity. Every employee therefore expected to exercise utmost care while performing his duties and specially while lending to borrowers. It is obvious that Shri Bende had scant regard to the Bank's rules/procedure and sanctioned/dispensed loans to borrowers in reckless manner and expose huge funds of the Bank at stake. He thus misused his official position and caused unlawful gains to the borrowers. It clearly shows his doubtful integrity and lack of honesty. Under the circumstances, the punishment imposed on Shri Bende is just and proper". This letter of UBI was communicated to Shri Bende by the RO, Bhopal vide letter dated 31.12.2015.

2. The matter was taken up with the CMD, UBI Mumbai for furnishing the facts vide NCST's notice dated 01.03.2016.

  
Nand Kumar Sai  
Chairperson  
National Commission for Scheduled Tribes  
Govt. of India  
New Delhi

3. The UBI vide letter dated 11.03.2016 has furnished its reply (which is similar to its earlier reply dated 11.12.2015) which was forwarded to Shri Bhagwat Shyamrao Bende, vide NCST's letter dated 27.04.2016.

4. The Union Bank of India vide letter dated 10.01.2018 has furnished the detail of the action taken by the Bank in the case. The Bank has also furnished the pointwise information as discussed in the meeting on 26.04.2017. Reviewing Authority in Order dated 21.12.2017 has mentioned that "punishment imposed on the petitioner by the Disciplinary Authority and upheld by the Appellate Authority is commensurate with the nature / gravity of lapses held as proved against the petitioner and I find no reason to interfere with the same". The Review petitioner preferred by Shri Bende was, therefore, rejected.

5. A Sitting was earlier held on 06.03.2018 before the Hon'ble Chairperson, NCST. The Commission has made the following recommendation.

- (i) Smt. Usha Rajagopalan, Departmental Enquiry Officer (in the case of petitioner) should be asked to appear before the Commission when she re-joins the Bank. Union Bank of India should inform the NCST so that next Sitting would be organized in the matter for further examination.
- (ii) Union Bank of India should also submit a statement/information indicating the points on which petitioner had denied/accepted charges as levelled by the Bank against him in the preliminary enquiry.

6. In compliance with the Commission's recommendations of proceedings of the Sitting held on 19.07.2018, the Hon'ble Chairperson has fixed a Sitting on 26.11.2018 with the MD & CEO, Union Bank of India for discussion in the matter. Accordingly Sitting notice was issued.

7. Shri Raj Kiran Rai G, MD & CEO and Shri Brajeshwar Sharma, GM (HR), Union Bank of India appeared before the Commission on 26.11.2018. Petitioner was also present in the day of Sitting. Matter discussed in detail.

8. During the discussion, Hon'ble Chairperson asked to the petitioner about his grievances. The petitioner submitted to the commission that he filed an appeal to the competent authority of the Bank for consideration for reinstatement into service. But Bank has not considered his appeal.

9. The Hon'ble Chairperson asked the MD&CEO, Union Bank of India to explain the position of the case. The MD&CEO submitted that he has checked all the paper/record pertaining to the case of Shri Bende and complete process had been adopted by the Bank during the inquiry. Full opportunity was given to Shri Bende for presentation his case before the Inquiry Officer and Appellate Authority. He is not



Nand Kumar Sai  
Chairperson  
National Commission for Scheduled Tribes  
Govt. of India  
New Delhi

competent to take decision for re-consideration or reinstatement of the service. He apprised to the Commission that the Board of Bank is the competent authority for consideration of his case again. The matter can be placed before the Board of Bank as per direction of Commission.

10. After detailed discussion, the Commission observed that no financial irregularities done by Shri Bende in his service period. He was cheated by the brokers/agent of the Bank and due to his simple/innocent nature. No fault has been found before the posting at Mumbai with Shri Bende. Hence, he has been harassed by the Bank. Therefore, the Commission recommends to the Union Bank of India that:

- The case of Shri Bende should be re-examined and placed before the Board of Bank in positive manner.
- One ST officer should be kept in the re-examination Committee or Sub-Committee of the Board.
- As per guideline of DoPT, Government of India a sympathetic attitude, should be kept while re-examining the case of Shri Bende since he belongs to Scheduled Tribe category.

5. Compliance/action taken report should be submitted to the Commission within 15 days from the receipt of the proceedings

  
Nand Kumar Sai  
Chairperson  
National Commission for Scheduled Tribes  
Govt. of India  
New Delhi

**NATIONAL COMMISSION FOR SCHEDULED TRIBES**

**Annexure**

(File No. BSB/5/2016/MFIN9/SEOTH/RU-W)

**List of participants**

**NCST**

1. Shri Nand Kumar Sai, Hon'ble Chairperson (In chair)
2. Miss. Anusuiya Uikey, Hon'ble Vice-Chairperson
3. Shri H.K. 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 H.R. Meena, Sr. Investigator

**Union Bank of India**

1. Shri Rajkiran Rai, G, Managing Director & CEO
2. Shri Brajesh Kumar Sharma, General Manager (HR)

**Petitioner**

Shri B.S. Bende