

SPEED POST



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. MV/2/2018/STGAP/SEHRMT/RU-IV

Dated: 09.01.2019

1. The Principal Secretary,
Department of Education,
Government of Andhra Pradesh,
Andhra Pradesh Secretariat,
Velagapudi, Guntur,
Andhra Pradesh.
2. The Commissioner of School Education,
Government of Andhra Pradesh,
Ibrahimpattanam, Amaravathi,
Vijayawada,
District – Krishna,
Andhra Pradesh.
3. The Superintendent of Police,
Guntur (Urban),
Andhra Pradesh.

Sub: Proceedings of the Sitting taken by Smt. Maya Chintamn Ivate, Hon'ble Member, National Commission for Scheduled Tribes (NCST) on 29.11.2018 in the case of Shri M. Venkateswarlu, Asst. Director-1, O/o DEO, Guntur regarding harassment in service.

Sir,

I am directed to enclose herewith a copy of the Proceedings of the Sitting held on 29.11.2018 under the Chairmanship of Smt. Maya Chintamn Ivate, Hon'ble Member, National Commission for Scheduled Tribes on the above mentioned subject for necessary action and submission of compliance report to this Commission within 30 days from the receipt of the letter for placing the same before the Hon'ble Member, NCST.

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10/1/19
जारी किया
ISSUED

Yours faithfully,

(Y.K. Bansal)
09/11/2019
Research Officer

Encl: As above
Copy to:

1. Shri M. Venkateswarlu,
S/o Shri Sundaradasu,
Asst. Director-1,
DEO's Office,
Guntur (Andhra Pradesh).
2. Shri Mellam Bhagyarao,
National General Secretary,
Dalit Bahujan Front,
5/3, Arundalpet,
Guntur – 522 002
(Andhra Pradesh).

Copy to: - SAS, NIC, NCST.

NATIONAL COMMISSION FOR SCHEDULED TRIBES

Case File No. MV/2/2018/STGAP/SEHRMT/RU-IV

PROCEEDINGS OF SITTING HELD ON 29.11.2018 AT 12.00 NOON CHAIRED BY SMT. MAYA CHINTAMN IVNATE, HON'BLE MEMBER, NATIONAL COMMISSION FOR SCHEDULED TRIBES (NCST) IN THE MATTER OF SHRI M. VENKATESWARLU, ASSISTANT DIRECTOR -1 O/o DEO, GUNTUR (AP) REGARDING HARASSMENT IN SERVICE BY THE DEPARTMENT OF EDUCATION, GOVERNMENT OF ANDHRA PRADESH.

Date of Sitting: 29.11.2018

List of officers present in sitting is Annexed.

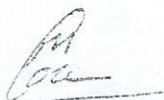
The petitioner Shri M. Venkateswarlu, Asst. Director-1, O/o DEO, Guntur, AP vide his representation dated 07.09.2018 has represented on harassment in service.

He alleged that he is working as Asst. Director, O/o DEO, Guntur. The Commissioner of Education, entrusted him the post of Deputy DEO, Tenali from 03.07.2018 and since then he is working to the utmost satisfaction of his superiors and as well as the management of the schools and staff. Thereby, having identified his work attitude, the NGOs and other organizations used to invite and felicitate him often. On observing the good name and fame gained by him in execution of official duties, the DEO Smt. Ganga Bhavani and the Regional Joint of Education Shri Srinivasa Reddy, developed grouse against him and hatched a plan to send him out to a far of place from his place of posting. In many occasions, both of them used to criticize him on his wearing dress and other personal reasons and degraded him in view of public.

The staff working under him filed a false complaint against him to the Commissioner, Education Department that he was teasing and harassing them. The Commissioner abruptly transferred him to Chittore without conducting any preliminary enquiry on the false allegations. Then he approached the APAT and filed OA No. 1799/2018. The Hon'ble APAT, passed interim orders in favour by suspending the transfer orders issued against him. After that he went to DEO office to join his duty. But, the DEO and RJD prevented him from joining his duty.

He requested the National Commission for Scheduled Tribes to allow him to join his duty by adhering the orders of APAT and to investigate the criminal case registered in a fair manner.

2. The Commission took up the matter with the Principal Secretary, Department of Education, Govt. of AP and the Superintendent of Police, Guntur (Urban), AP vide notice dated 14.09.2018 for report. No reply/report has been received from the above


Smt. Maya Chintamni Ivate
Member
National Commission for Scheduled Tribes
New Delhi

authorities. Therefore, Smt. Maya Chintamn Ivnate, Hon'ble Member, NCST has fixed a Sitting on 29.11.2018 with the Principal Secretary, Department of Education, Govt. of AP and the Superintendent of Police, Guntur (Urban), AP, Commissioner of School Education, Govt. of Andhra Pradesh Accordingly, sitting notice was forwarded on 05.11.2018 and 14.11.2018.


3. The Special Chief Secretary, Department of Education, Govt. of Andhra Pradesh, Commissioner of School Education, Govt. of Andhra Pradesh and Deputy SP, Guntur District appeared before the Commission on 29.11.2018. The petitioner was also present on the day of sitting. Matter discussed in detail.

4. The Hon'ble Member asked the Special Chief Secretary, Department of Education, Govt. of Andhra Pradesh and the Commissioner, School of Education to explain the case. The Special Chief Secretary submitted to the Commission that some women employees in the O/o District Education Officer, Guntur had made a written complaint to the Commissioner of School Education, against Sri M. Venkatwswarlu, AD, O/o DEO, Guntur stating that he is harassing the women staff and thereby they are facing mental torture during the office work. Due to his unhealthy behaviour, they are unable to discharge their duties in a peaceful manner and therefore requested to take appropriate action against him. The DEO, Guntur has also, vide Lr. Rc. No. Spl/2018 dated 23.08.2018 requested the Commissioner of Special Education, to take disciplinary action against Shri M. Venkateswarlu, AD, O/o DEO, Guntur.

5. Keeping in view of the above and to safeguard women at work place, the Commissioner of School Education, AP Vid Procs. Rc. No. 186/Estt.II/2016-1 dated 24.08.2018 transferred the incumbent, as Assistant Director (Model Schools, O/o DeO, Chittoor, pending enquiry and disciplinary action in accordance with the Rule 12 (I) (a) Chapter V of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redress) Act, 2013 (14 of 2013). Further, the complaint received from the women employees of the O/o DEO, Guntur has been sent to the State Level Committee relating to sexual harassment of Women at Workplace, vide Procs. 186/Estt.II/2016-3, dated 24.08.2018, with a request to inquire into the matter and to submit a report.

6. Aggrieved by his transfer, Shri M. Venkateswarlu, Assistant Director has approached the Hon'ble AP Administrative Tribunal and filed OA No. 1799/2018. Thereon stay vacate petition has been filed. Hon'ble APAT vide order dated 12.09.2018 dismissed the OA filed by Shri M. Venkateswarlu.

Further, the Commissioner of School Education has referred the complaint against Shri M. Venkateswarlu, AD to the Internal Complaints Committee at State Level relating to Sexual Harassment of Women at Workplace for enquiry and to submit a report. Report of the Committee is awaited.



Principal Secretary,
Department of Education,
Government of Andhra Pradesh,
Hyderabad.

7. Deputy SP, Guntur Urban District submitted to the Commission that based on the complaint of the petitioner, Shri Madigani Venkatewarlu, S/o Sundar Das working as Asst. Director-1, in DEO Office, Guntur about rude behaviour of the R.S. Ganga Bhvani, DEO, Guntur and three other staff working in DEO office, Guntur in abusing him by caste besides threatening him, the Sub-Inspector of Police of Nagarampalem Police Station registered it as FIR in Cr. No. 214/2018 u/s 506 r/w 34 IPC and Sec. 3(1) (r) (s) of SC & ST (POA) Amendment Act, 2015 of Nagarampalem P.S. on 06.09.2018. He has submitted that after investigation, no accountable evidence were found to substantiate petitioner's allegations against the DEO and other staff members. Thus, there was no sufficient evidence to prove the allegations of the complaint. After seeking instructions of the senior officer, the investigation of the case will be finalized.

8. After detailed discussion, the Commission observed that harassment with ST employees has been made by the Concerned Officers with bad intention. Therefore, the Commission recommends to the Department of Education, Government of Andhra Pradesh that:

- (a) Shri M. Venkateswarlu, AD should be transferred from Chittore District to nearby Guntur District due to his health problem and also he belongs to Scheduled Tribe category.
- (b) Fair enquiry should be conducted by the Internal Complaints Committee on the case of Shri M. Venkateswarlu.

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


श्रीमती माया चिन्तामणि ईवनाले
Smt. Maya Chintamni Inrate
सदस्य / Member
राष्ट्रीय अनुसूचित जनजाति आयोग
National Commission for Scheduled Tribes
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