

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. SB/19/2018/MFIN9/SEOTH/RU-IV

Dated: 14.02.2019

To,

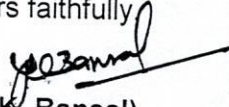
1. **The Chairman,**
State Bank of India,
State Bank Bhawan,
Madam Cama Road,
Mumbai – 400 021
(Maharashtra)
2. **The General Manager (NW-1),**
State Bank of India,
Industrial Relations Department,
Amaravati Local Head Office,
Gunfoundry
Hyderabad – 500 011
(Telangana).

Sub: Proceedings of the Sitting taken by Shri Nand Kumar Sai, Hon'ble Chairperson, National Commission for Scheduled Tribes (NCST) on 21.01.2019 in the case of Shri Sridhar Bhukya, Probationary Officer, State Bank of India, RBO-Ilm Vijayawada (AP) regarding reinstatement into service.

Sir,

I am directed to enclose herewith a copy of the Proceedings of the Sitting held on 21.01.2019 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 within 30 days from the receipt of the letter for placing the same before the Hon'ble Chairperson, NCST.

Yours faithfully,


(Y.K. Bansal)
Research Officer

(Encl: As above)

Copy to:

Shri Sridhar Bhukya,
H. No. 3-77,
Laxmipuram,
Mahabubabad (Dist & Mandal),
Telangana – 506 101.

Copy to: - SAS, NIC, NCST.

NATIONAL COMMISSION FOR SCHEDULED TRIBES

Case File No. SB/19/2018/MFIN9/SEOTH/RU-IV

PROCEEDINGS OF SITTING HELD ON 21.01.2019 CHAIRED BY SHRI NAND KUMAR SAI, HON'BLE CHAIRPERSON, NATIONAL COMMISSION FOR SCHEDULED TRIBES (NCST) IN THE CASE OF SHRI. SRIDHAR BHUKYA, PROBATIONARY OFFICER, STATE BANK OF INDIA, RBO-II, VIJAYAWADA (AP) REGARDING REINSTATEMENT INTO SERVICE.

Date of Sitting: 21.01.2019

List of officers present in sitting is Annexed.

The petitioner Shri Sridhar Bhukya vide his representation dated 27.10.2018 has submitted the grievances before the Commission regarding reinstatement into service.

2. He alleged that he was working in State Bank of India as an Assistant Manager (Probationary Officer) since 30.11.2015 and discharged his duty sincerely. However, he was not treated properly. Finally, he was removed from service on the charges of misappropriation of funds without providing opportunities to defend his case.

3. The SBI Management vide its letter dated 01.01.2019 has reported the facts of the case that the petitioner Shri Sridhar Bhukya was served with charge sheet dated 03.04.2016 for certain irregularities/ lapses committed by him while working at Govada Branch from 01.12.2015 to 16.07.2016.

Shri Sridhar Bhukya has raised 26 debits to Kisan Credit Card (KCC) and Savings Banks accounts of SBI customers at Govada Branch aggregating to Rs. 15,843/- and misappropriated the amount to Savings Bank Account No. 20286779330 of Ms. D. Hemalatha.

It was proved in the enquiry that debit vouchers are signed by the respective customers and they have signed those vouchers at the request of Official for availing Crop Loans. The customers were not aware that the amounts were transferred to the Account of Ms. D. Hemalatha.

The petitioner was given ample opportunity to defend his case and also provided personal hearing on 12.09.2018. Thereafter taking into consideration all the facts and proven lapses on the part of the official, Bank has imposed penalty of "Dismissal" in terms of Rule No. 67 (j) of SBI Officers' Service Rules.



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

3. Since, the Bank's report was found to be unsatisfactory, therefore, the Hon'ble Chairperson, NCST has fixed a Sitting on 21.01.2019 in the Commission. The Chairman, SBI was called for Sitting. However, he has sent a request for exemption from appearance due to certain prior appointment vide letter dated 17.01.2019 and also requested to allow the General Manager (Local Head Office), SBI, Amaravati to represent the case before the Commission. The request was taken on the record.

4. In the Sitting, the General Manager, Local Head Office, Amaravati along with the petitioner concerned were present.

5. During the Sitting, the petitioner has submitted grievances of arbitrarily dismissal from services on the grounds of alleged certain lapses. He was stated that he had joined as Probationary Officer in the Bank and being a new entrant, he was not aware about functioning of the Bank. He had made certain entries in the Bank's books in the interest of the customer and Bank. There was also Supervisory Officer and who was responsible to guide the Trainee Officer. But he did not rectify the errors and ultimately he was issued a charge sheet without hearing his defends documents. Finally, on the finding of the Inquiry Officer, the Disciplinary Authority imposed penalty of dismissal from service. It is pointed out that there was no financial loss to the Bank. He has also submitted an appeal against the penalty and the same is pending for decision before the Appellate Authority.

6. The General Manager, SBI, Amaravati was stated that the petitioner while working as Probationary Officer at Govada Branch, District Vijayawada has raised 26 debits to Kisan Credit Card (KCC) and Savings Banks accounts of SBI customers aggregating to Rs. 15,843/- and misappropriated the amount to Savings Bank Account No. 20286779330 of Ms. D. Hemalatha. The Departmental Inquiry was conducted and after proving the charges, a penalty of dismissal from service was imposed.


7. The case was discussed in detail. The Commission observed that that petitioner is from vulnerable group and joined as Probationary Officer in the Bank without any experience. He was not familiar with the Bank's system. There was also a Supervisory Officer who has supposed to discharge his duty with supporting his junior officers and he has failed to do so. The petitioner's alleged lapses were part of not familiar of the Bank's system and his ignorance. The lapses were happened within five months of periods after joining in the Bank by the petitioner. Moreover, there is no case of misappropriation of funds. Hence, the penalty of dismissal imposed is very harsh punishment to the scheduled tribe petitioner which is not commensurate in proportionality with the nature of misdemeanor.



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

8. In view of the above, the Commission recommends that the State Bank of India Management should conduct a De novo inquiry in fair, impartial and unbiased manner in the case from a senior level Scheduled Tribe Officer of the Bank's Telangana zone. The inquiry should be completed within two months period from the date of sitting positively. An opportunity to defend the case along with personal hearing from the General Manager level should also be given to the petitioner so that he could get natural justice. The Bank should also take an affirmative action to protect the interest of the young Scheduled Tribe incumbent.

9. An action taken report as to the action proposed to be taken on the basis of the recommendation of the NCST should be submitted to the Commission within 30 days from the receipt of the proceedings


12.09.19

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

NATIONAL COMMISSION FOR SCHEDULED TRIBES

Annexure

(File No. SB/19/2018/MFIN9/SEOTH/RU-IV)

List of participants

NCST

1. Shri Nand Kumar Sai, Hon'ble Chairperson (In chair)
2. Shri Harshadbhai Chunnilal Vasava, Hon'ble Member
3. Shri Hari Krishna Damor, Hon'ble Member
4. Smt. Maya Chintamn Ivnate, Hon'ble Member
5. Shri A.K. Singh, Secretary
6. Shri S.K. Ratho, Joint Secretary
7. Shri P.T. Jameskutty, Deputy Secretary
8. Shri Y.K. Bansal, Research Officer
9. Shri H.R. Meena, Sr. Investigator

Officers of State Bank of India

1. Shri. U.N.N. Maiya, SBI, LHO, Hyderabad
2. Shri Raghurama Shetty, General Manager, LHO
3. Shri K.V.R. Murthy, Assistant General Manager, LHO, Hyderabad
4. Shri A.B.S. Prakasa Rao, Assistant General Manager, LHO, Amaravati

Petitioners

- ~~1. Shri K. Sankar~~
1. Shri Bhukya Sridhar