



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. BCN/3/2018/STGAP/SEHRMT/RU-IV

Dated: 29.03.2019

To,

1. **The Special Chief Secretary,**
Agriculture Department,
Government of Andhra Pradesh,
Secretariat,
Velagapudi, Amaravati,
District – Guntur (Andhra Pradesh)
2. **The Vice Chancellor,**
Acharya N.G. Ranga Agriculture University,
Lam, Amaravati,
District – Guntur (Andhra Pradesh).

Sub: Proceedings of sitting held on 27.03.2019 chaired by Miss Anusuiya Uikey, Hon'ble Vice-Chairperson, National Commission for Scheduled Tribes (NCST) in the case of Shri Shri B. Chekre Naik, General Secretary, FCI ST Staff & Officers Welfare Association, Hyderabad regarding harassment to Shri K.S.S. Naik by Acharya N G Ranga Agriculture University Authorities.

Sir,

I am directed to enclose herewith a copy of the Proceedings of the Sitting held on 27.03.2019 under the Chairmanship of Miss Anusuiya Uikey, Hon'ble Vice-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 Vice-Chairperson, NCST.

Yours faithfully,

(Y.K. Bansal)
Research Officer

Encl: As above

Copy to:

Shri B. Checkre Naik,
General Secretary,
FCI, ST Staff & Officers Wel. Assn.
O/o Food Corporation of India,
Regional Office, 3rd Floor,
HACA BHAVAN, Opp. Public Gardens,
Hyderabad, Telangana -4.

Copy to - SSA, NIC, NCST.



Government of India
National Commission for Scheduled Tribes
(A Constitutional Commission set up under Art. 338A of the Constitution of India)

F. No. BCN/3/2018/STGAP/SEHRMT/RU-IV

PROCEEDINGS OF SITTING HELD IN THE COMMISSION 11-01-2019 UNDER THE CHAIRMANSHIP OF MS. ANUSUIYA UIKEY, HON'BLE VICE CHAIRPERSON, NATIONAL COMMISSION FOR SCHEDULED TRIBES IN THE REPRESENTATION OF SHRI B.CHEKRE NAIK, GENERAL SECRETARY, ALL INDIA CENTRAL/PSUS AND STATE GOVERNMENT S.T. EMPLOYEES WELFARE ASSOCIATION, HYDERABAD, TELANGANA REGARDING HARASSMENT TO DR. K.S.S.NAIK, PRINCIPAL SCIENTIST, ACHARYA N.G.R. AGRICULTURE UNIVERSITY, LAM, GUNTUR (A.P.).

Date of Sitting: 27-03-2019
List of Participants: Annexure 'A'

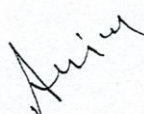
Vide representation dated 22-9-2018, B.Chekre Naik, General Secretary, All India Central/PSUs and State Government S.T. Employees welfare Association, Hyderabad, Telangana has represented to the Commission that Dr. K.S.S.Naik, presently working as Principal Scientist (Groundnut), is being harassed by the Vice Chancellor and Director, ANGR University, Lam, Guntur. In this connection Dr.KSS Naik has been transferred from the ARS Kadiri to College of Agriculture, Naira, Srikakulam and demoted from the existing post at Kadiri.

2. As per procedure of the Commission the matter was taken up with the Chief Secretary, Government of Andhra Pradesh, Principal Secretary, Agriculture Department, Government of Andhra Pradesh and Vice Chancellor, ANGR Agricultural University, Lam, Guntur vide Commission's notice dated 31-10-2018 for report.
3. In response to the Commission's notice dated 31-10-2018 in the matter, the Registrar, ANGR Agricultural University has furnished a detail reply/report dated 26-11-2018 to the Commission. After perusal of the reply of the ANGR Agricultural University Miss Anusuiya Uikey, Hon'ble Chairperson, NCST has fixed a sitting on 11-01-2019 at 1.00 p.m. with the Principal Secretary, Agriculture Department, Government of Andhra Pradesh and the Vice Chancellor, ANGR Agricultural University, Lam, Guntur for discussion in the matter. Accordingly sitting notice dated 26-11-2018 has issued to the concerned authority.
4. Reference to sitting notice of the Commission, Dr.A.Subramayeswara Rao, Comptroller, ANGR Agricultural University appeared before the Commission on said date on behalf of the VC, ANGRAU. No officer has present from the Agriculture Department, Government of A.P.. The petitioner (Dr.KSS Naik alongwith Shri B.Checkre Naik) were present in the day of sitting. The matter was discussed in detail.

Anusuiya
शुश्री अनुसुईया उईके/Miss Anusuiya Uikey
उपाध्यक्ष/Vice Chairperson
राष्ट्रीय अनुसूचित जनजाति आयोग
National Commission for Scheduled Tribes
भारत सरकार/Govt. of India
नई दिल्ली/New Delhi

5. During the discussion Hon'ble Vice Chairperson asked the Petitioner about his grievances. The Petitioner Dr.KSS Naik submitted to the Commission that he had his Bachelors' Degree in Agriculture from Shri Venkateswara Agricultural College, Tirupathi, Acharya N.G. Ranga Agriculture University (ANGRAU) in the year June 1985. Subsequently acquired M.Sc. (Ag) in the year 1988 and Ph.D with first class in the year 1993 from prestigious institute in the country Indian Agricultural Research Institute (IARI), PUSA campus, New Delhi
6. Later he was appointed to the post of Assistant Professor/Scientist in Acharya N.G.Ranga Agriculture University (ANGRAU) on 18-9-1998 and posted at Agriculture Research Station (ARS), Kadiri as Scientist (Plant Breeding (PB). Further Dr.K.S.S. Naik was promoted/appointed (Direct Appointment) a Associate Professor/Senior Scientist (PB) on 15-10-2004 pursuant to the notification issued by Registrar, ANGRAU, and posted at ARS, Kadiri as Senior Scientist (Pant Breeding). Again he was promoted to the post of Professor/Principal Scientist (Pant Breeding) under Career Advancement Scheme on 27 10 2010 vide order No. Proc. No. 967/Ser.IV/A2/2012 dated 22-9-2012 issued by Registrar, ANGRAU.
7. In recognition of the 20 years' service rendered by him for the development of new high yielding and pests/disease and drought resistant varieties of Groundnut, the Registrar, ANGRAU, declared him as Principal Scientist (Groundnut) and entrusted to take care of the groundnut research in entire state of undivided Andhra Pradesh (Now separated as Andhra Pradesh and Telangana).
8. After assuming the charge as VC of ANGRAU Dr. V Damodar Naidu along with his pet subordinate Dr.N.V.Naidu who was personally appointed to the post of Director of Research started harassing him by issuing Memos, Show Cause Notices and sending inquiry committees one by one without giving time for breathing, though all the necessary documented evidence, reports, proposals approved by the ANGRAU Authorities, sanction orders, approval letters, bills, vouchers, invoices etc. which prove his innocence and rightfulness beyond any doubt in the allegations levelled against him by the VC and Dr.ANGRAU, Lam, Guntur.
9. All the allegations/charges leveled against him cannot sustain at any point of time due to the documented evidences submitted by him. But, the VC and the Dr. ANGRAU deliberately not going through the records submitted by him, again issued a show cause notice on 7-9-2018 directing to submit a reply to the charges leveled against him within 15 days from the receipt of the Show Cause Notice.
10. Though he submitted his reply to each and every memo served to him with all the evidence and submitted the hard copies of the evidences to the inquiry committees, without perusing the records, same allegations are leveled as charges in a repetitive manner in all the memos and show cause notices issued.
11. Keeping in view of his close relationship with the present Head, ARS, Kadiri during his tenure at Nellore, as a token of gift Dr.V.Damodar Naidu with the help of Director of Research Dr.N.V.Naidu instigated false allegations and baseless charges against him, the then Head, ARS, Kadiri and transferred him from the post of Head ARS, Kadiri to College of Agriculture Naira, Srikakulam with demotion.

12. Hon'ble Vice Chairperson, NCST asked to the authority of ANGRAU to explain the case. The Comptroller, ANGRAU submitted to the Commission that reference of allegations made against Dr. K.S.S.Naik, the then Principal Scientist & Head, ARS, Kadiri, the University has constituted a committee to enquire into the allegations made against the individual. The preliminary enquiry was conducted by the enquiry committee constituted for the purpose was submitted its report.
13. Dr.K.S.S.Naik, the then Principal Scientist & Head, ARS Kadiri was called for explanation for the above allegations. He refused/denied all the allegations. A detailed inquiry was ordered duly constituting an inquiry committee to conduct detailed inquiry under Rule 20 of APCS (CCA) Rules, 1991. The inquiry committee after detailed enquiry, submitted its report. The charges framed against Dr.Naik were proved by the Competent Authority.
14. After that, he is instructed to explain the reasons within a period of 15 days from the date of receipt of this orders as to why action shall not be initiated for award of appropriate punishment apart from recovering financial loss caused due to act of unauthorized sanctions without proper permissions from the competent authority and misappropriating the funds failing which it will be construed that he has nothing to offer in his defence and the action shall be taken based on the material available.
15. The Comptroller, ANGRAU submitted that the entire matter was placed before the Board of Management which is the competent authority for taking a final decision. The Board of Management of the University vide its Resolution No.9968, dated 27-10-2018 resolved "to demote Dr.K.S.S.Naik from present Principal Scientist post to Associate Professor cadre post in the minimum pay scale of Rs.37400-69000 +AGP Rs.9000 in addition to the recovery proved misappropriated amount of Rs.10,87,125 besides certain lapses on account to a tune of Rs.34.11 lakhs approximately during the period of Dr.K.S.S.Naik, the then Principal Scientist & Head, ARS Kadiri reported by the Special Audit Committee" and the same was served to the individual on 12-12-2018.
16. He was transferred during July 2018 to Agricultural College, Naira against the vacant post of Associate Professor and posted as Professor (CAS) duly upgrading the post. Aggrieved by the University orders, he was filed Writ Petition in the Hon'ble High Court at Hyderabad challenging the University transfer orders.
17. The Hon'ble High Court issued an interim directions, set aside the university transfer orders. The University filed Court Affidavit along with vacate petition before the Hon'ble High Court.
18. In the mean-time, he filed contempt of court before the Hon'le High Court. The Hone'ble High Court has directed the university to comply the interim orders issued by the court; The University complied the interim orders and issued posting orders keeping abeyance pending disposal of Writ Petition. Accordingly he reported for duty on 11-12-2018 as Principal Scientist (Plant Breeding), ARS, Kadiri.


शुभी अनुसुईया उइके/Miss Anusuiya Uikey
उपाध्यक्ष/Vice Chairperson
राष्ट्रीय अनुसूचित जनजाति आयोग
National Commission for Scheduled Tribes
भारत सरकार/Govt. of India
नई दिल्ली/New Delhi

19. After detail discussion, the Commission observed that Dr.KSS Naik was harassed by the ANGRAU in transfer manner being a Scheduled Tribe Officer. Therefore, the Commission recommends to the VC, ANGRAU that:

- (i) Salary from the transfer order of Dr.KSS Naik should be provided within a week
- (ii) Demotion of Dr. Naik from the post of Professor/Principal Scientist should be cancelled and he should be reinstated as Principal Scientist and Head ARS, Kadiri.

20. Action taken report on the recommendation of the Commission should be furnished within 15 days since the further sitting can be fixed in the matter.

21. Reference to Proceedings of Sitting held in the Commission on 11-01-2019, the Registrar, ANGR Agricultural University, Lam, Guntur (AP) has furnished the report dated 15-02-2019 to the Commission wherein intimated that due to factual and legal scenario it is not feasible to implement the recommendation of the Commission for Scheduled Tribes by the University. On perusal/examination of report of the ANGR Agricultural University, the Hon'ble Vice Chairperson, NCST has fixed the sitting with the concerned authority on 27-03-2019 in the Commission. Accordingly summons has been issued to the Special Chief Secretary, Agriculture Department, Government of A.P. and The Vice-Chancellor, ANGR Agricultural University.

22. The Special Chief Secretary, Agriculture Department, Government of A.P. and The Vice-Chancellor, ANGRA University not appeared before the Commission on 27-03-2019. Besides they have authorized to Dr.A.S.Rao, Comptroller, ANGRA University to attend the sitting in the commission. The petitioner was appeared before the Commission on day of sitting.

23. The matter is discussed in detail. The Hon'ble Vice-Chairperson asked the Comptroller of the University about action taken on Proceedings of earlier sitting. The Comptroller submitted to the Commission that the University has already submitted a action taken/detailed report dated 15-02-2019 to the Commission, wherein University has already clarified on the points of recommendation of the Commission in the matter. The petitioner requested to the Commission to release the salary for the period from 01-08-2018 immediately and restore his position as Principal Scientist (Groundnut) and Head of ARS,Kadiri, by keeping all the malafide allegations aside as the University could not prove the same till date.

24. The Commission observed that the petitioner was discriminated and harassed by the University since he belongs to ST category, in spite of his novel contribution to the farming community and the University and also has the judgment in his favour by the Hon'ble High Court of A.P. Therefore, the Commission recommends to the ANGRA University that the salary should be released to the petitioner from the period 01-08-2018 immediately and restore his position as Principal Scientist (Groundnut) and Head ARS Kadiri immediately, by keeping all malafide allegations aside as the University could not prove the same till date and also he should be provided T.A. &D.A. for attending the sittings held in the NCST, New Delhi, the action taken/compliance report should be submitted to this Commission immediately failing which the Commission would be compelled to take stringent measures including invocation of PoA against all those involved in the matter and have shown scant regard towards the earlier proceedings of the Commission.

NATIONAL COMMISSION FOR SCHEDULED TRIBES

Annexure

(File No. BCN/3/2018/STGAP/SEHRMT/RU-IV)

List of participants

NCST

1. Miss Anusuiya Uikey, Hon'ble Vice-Chairperson (In chair)
2. Shri P.T. Jameskutty, Deputy Secretary
3. Shri Y.K. Bansal, Research Officer
4. Shri Vikas Kumar Sarma, Consultant
5. Shri H.R. Meena, Sr. Investigator

Officers of Acharya NG Ranga Agriculture University

Dr. A. S. Rao, Comptroller

Petitioner

1. Shri B. Chekre Naik
2. Dr. K.S.S. Naik