



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. KV/12/2017/MFIN9/SEOTH/RU-IV

Dated: 13.08.2019

To,

**The Chairman,**  
Andhra Pragathi Grameena Bank,  
Opp Officers Club,  
Kadapa – 516 001  
(Andhra Pradesh).

**Sub: Proceedings of the sitting taken by Dr. Nand Kumar Sai, Hon'ble Chairperson, National Commission for Scheduled Tribes (NCST) on 16.07.2019 in the matter of Shri K. Venkateswarlu, Nellore District (AP) regarding reinstatement into service in Andhra Pragathi Grameena Bank, Nanidpadu Branch, Nellore (AP).**

Sir,

I am directed to enclose herewith a copy of the Proceedings of the Sitting held on 16.07.2019 under the Chairmanship of Dr. 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 20 days from the receipt of the letter for placing the same before the Hon'ble Chairperson, NCST.

Yours faithfully,

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

Copy to:-

Shri K. Venkateswarlu,  
R/o D. No. 2-160, Sree Nagar,  
Udayagiri Village,  
Nellore District,  
Andhra Pradesh.

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



NATIONAL COMMISSION FOR SCHEDULED TRIBES

KV/12/2017/MFIN9/SEOTH/RU-IV

PROCEEDINGS OF SITTING HELD ON 16.07.2019 CHAIRED BY DR. NAND KUMAR SAI, HON'BLE CHAIRPERSON, NATIONAL COMMISSION FOR SCHEDULED TRIBES (NCST) IN THE CASE OF SHRI K. VENKATESWARLU, NELLORE DISTRICT (AP) REGARDING REINSTATEMENT INTO SERVICE IN ANDHRA PRAGATHI GRAMEENA BANK, NANDIPADU BRANCH, NELLORE (AP).

Date of Sitting: 16.07.2019

List of officers present in sitting is Annexed.

Shri K. Venkateswarlu, Office Assistant, Andhra Pragathi Grameen Bank, Nellore District (AP) vide his representation dated 22.05.2017 has represented before the Commission regarding alleged forceful dismissal from service from Andhra Pragathi Grameena Bank (APGB), Nandipadu Branch, Nellore AP. He has requested the Commission to recommended reinstatement as he is innocent.

The petitioner has raised the following grievances in his representation:

- (i) He was working as Office Assistant (Clerk cum Cashier) at Andhra Pragathi Grameena Bank at Nandipadu Branch District Nellore from 19.08.2009.
- (ii) He was issued fake charges of irregularities and misappropriation of funds. However, there was involvement of Branch Manager Shri P. Venkataparthi in the sanction of loans. But no charge-sheet was issued to him and no penalty order was issued against him.
- (iii) He was first suspended and thereafter dismissed from services vide Bank's order dated 21.09.2016. He has submitted an appeal before the Appellate Authority and the appeal was also rejected.

The petitioner has further submitted that the Commission's recommendations made during the sitting held on 08.10.2018 was not implemented by the Bank management and he has not been reinstated into service.

2. Earlier the Commission took up this case and subsequently a sitting was held on 08.10.2018 under the Chairmanship of Smt. Maya Chintamni Inate, Hon'ble Member, NCST and the Commission recommended that the petitioner will submit a review petition with new facts of the case, citing the case of Shri Sashi Bhushan and statement of the Villager before the Bank management for re-consideration. The CMD of the Bank was to examine the matter and submit the same before the Board of Directors of the Bank for deciding the case positively in favour of the petitioner.

3. In compliance with the Commission's recommendation, the Andhra Pragathi Grameena Bank management in its action taken report dated 28.02.2019 submitted before the Commission that the petitioner's appeal was placed before the Board of Directors of the Bank and thereafter Board having gone through the proceedings of the NCST and facts of the



case, records related to the case together with appeal of the appellant and all circumstances involved, concluded that there is no merit in the appeal of Appellant and the punishment awarded by the Disciplinary Authority vide proceedings dated 21.09.2016 and confirmed by the Appellate Authority is justified and adequate. Hence, it is decided to confirm the punishment.

4. As the Bank's action taken report was found to be unsatisfactory and therefore, the Hon'ble Chairperson, NCST fixed a sitting on 16.07.2019 in the Commission to have a discussion with the Bank Management on the petitioner's grievances.

5. The Chairman, Andhra Pragathi Grameena Bank was called for sitting. But the Chairman of the Bank did not appear and also not sent any request for exemption. From Bank's side the General Manager, Andhra Pragathi Grameena Bank appeared before the Commission. The Commission noted that the officer appeared is not competent to take a decision in the matter. However, in the interest of the ST petitioner, the case was heard. The petitioner was also present in the sitting.

6. During the sitting, the petitioner submitted his grievances. He was stated that he had not committed any fraud or misappropriation of funds causing loss to the Bank. While working as Office Assistant (Clerk cum Cashier), he paid some amount inadvertently which was rectified. He was a junior employee and there were two more senior officers including Branch Manager in the Bank. As per rule, the duty of the senior officer is to rectify the mistakes and give counsel to the Junior Officers/officials. In his case, he was punished by way of awarding punishment of dismissal from service and on other hand, no punishment was given to the Senior officers/Branch Manager of the Bank. His appeal was also rejected without considering his defence evidence. The Commission's recommendations were also not implemented.

7. The General Manager, Andhra Pragathi Grameena Bank was stated that while considering the petitioner's appeal, punishment awarded to the petitioner was upheld by the Board of Directors of the Bank.

8. The case was discussed in detail. The Commission observed that the petitioner was a junior employee and working under two officers of the Bank. The Commission also observed that without authorisation of Seniors, it is not possible for a Clerk to make over draft payment. In the instant case, the petitioner was awarded harsh punishment of dismissal from service and no punishment was given to the Branch Manager/Senior officers of the Bank. There is also no financial loss to the Bank and there was no mala-fied intension from the petitioner's side. Thus, it seems to be a case of discrimination with the Scheduled Tribe employee. The Commission therefore, recommends that the Chairman, Andhra Pragathi Grameena Bank should review the petitioner's case and take immediate action to reinstate the petitioner's service within 15 days failing which the Commission will invoke the powers conferred under Article 338 of the Constitution of India.

9. An action taken report on the Commission's recommendations be submitted to the Commission within 20 days positively.

\*\*\*\*\*

  
राष्ट्रीय अनुसूचित जनजाति आयोग  
National Commission for Scheduled Tribes  
भारत सरकार/Govt. of India  
नई दिल्ली/New Delhi



(File No. KV/12/2017/MFIN9/SEOTH/RU-IV)

**List of participants**

**NCST**

1. Dr. Nand Kumar Sai, Hon'ble Chairperson (In chair)
2. Shri S.K. Ratho, Joint Secretary
3. Shri P.T. Jameskutty, Consultant
4. Shri Y.K. Bansal, Research Officer

**Officers of Andhra Pragathi Grameena Bank**

Shri J.V.S. Prasad, General Manager

**Petitioner**

Shri K. Venkateswarlu