



राष्ट्रीय अनुसूचित जनजाति आयोग
National Commission for Scheduled Tribes
भारत सरकार
Government of India

(भारत के संविधान के अनुच्छेद 38क के अंतर्गत दीवानी न्यायालय की शक्तियों को प्रयोग करने वाला एक संवैधानिक निकाय)
(A Constitutional body exercising powers of a Civil Court under Article 338A of the Constitution of India)

File No. NCST-17012(MFIN)/13/2021-RU-IV(५५५)

Dated: 30/03/2022

To,

Managing Director & CEO,
UCO Bank,
10, B.T.M, Sarani,
Kolkata-700001
(West Bengal)
(Ph No. 033-44557810)
(E-mail: md@ucobank.co.in)

Sub: Representation of Shri Oliver Jones Hynniewta, Ex-Head (Cashier, UCO Bank (EMP No. 30369), Shellapunjee Branch, Distrit-East Khasi Hills (Meghalaya) regarding harassment, discrimination and illegal removal from bank services to ST Official-reinstatement into services.

Ref: 1. UCO Banks letter No. HO/HRM/MPTP/SCIT/10/527/2021-22 dated 20.12.2021
2. MD & CEO, UCO Bank letter No. 22.03.2022 addressed to Hon'ble Member, NCST.

Sir,

I am directed to refer to the subject cited above and to enclose copy of minutes of Sitting held on 25.03.2022 at 11:00 AM under the Chairmanship of Shri Ananta Nayak, Hon'ble Member, National Commission for Scheduled Tribes, Lok Nayak Bhawan, New Delhi-110003 in the matter.

It is, requested that action taken on the suggestions / recommendations of the Commission may please be sent to the NCST within stipulated time, for placing it before the Hon'ble Commission.

Encl: As above.

Yours faithfully,

(R.S. Misra/ आर.एस. मिश्र)

Research Officer/अनुसंधान अधिकारी

Copy to:

1. Shri Oliver Jonnes Hynniewta,
At: Mawlai, P.O. Mawlai Phudmawri,
District-East Khasi Hills,
Meghalaya-793008
(Mob No. 9774338160)
Email: medarisha.hynniewta@nitm.ac.in

2. Shri Varinder Chhabra,
B-302, MIHIR Apartment,
Plot No. 7, Sector-52,
Gurgaon-122003
(Mob No. 8368224722)
(Email: varinderchhabra1957@gmail.com)

Copy for information to:-

1. PS to Hon'ble Member,
2. NIC, (please upload on the Commission's website)

National Commission for Scheduled Tribes

File No. NCST-17012(MFIN)/13/2021-RU-IV(SSW)

Minutes of sitting held in the NCST's Headquarters on 23.03.2022 at 11:00 AM under the Chairmanship of Shri Ananta Nayak, Hon'ble Member, National Commission for Scheduled Tribes in the case of Shri Oliver Jones Hynniewta, Ex-Head Cashier, UCO Bank, EMP No. 30369, Shellapunje Branch, District-East Khasi Hills, Meghalaya against his wrongful termination and non-payment of terminal benefits.

List of participants is annexed.

The case of the petitioner was represented by Sh. Varinder Chhabra, who informed that the Petitioner is in state of coma since many years therefore representative be allowed to submit the case. The Commission allowed the same.


A Departmental Enquiry was initiated against the petitioner in the year 2003, wherein charge sheet was issued alleging that – 1) the petitioner has not deposited the cash taken from Shillong Branch to Shellapunje Branch within time. 2) Petitioner was handling both the keys of the Branch during 18.04.2003 till 15.06.2003. 3) Irregularities in documents, receipts, vouchers etc.

The petitioner was removed from services with superannuation benefits as would be due otherwise at the present stage in the scale of pay and without disqualification from future employment on 30.06.2006.

The Appeal of the petitioner was also dismissed by higher authorities. Regarding Review, the petitioner had no information about the outcome of his review application.

During the Sitting, Commission came to know that arrear pension to petitioner has been credited. An acknowledgement letter signed by petitioner dated 21.03.2022 was submitted by the Bank.

Commission observed that, in the year 2003 when petitioner was posted at Shellapunje Branch, he had to travel to Shillong branch for cash and come back. The usual travel time was 11 hours. Therefore, it was not possible for the petitioner to deposit cash within the same day. Petitioner was the only employee at the branch during 18.04.2003 till 15.06.2003, a fact which he duly informed to higher authorities and on verbal instructions by higher authorities, he used to carry both the keys to run the Bank. Also, being posted in a remote area close to Bangladesh border and without much logistics and manpower, there were certain mistakes in records/entries which were not intentional, and happened primarily because petitioner was the only person working in branch as a cashier and also as a manager, a fact duly informed to higher authorities. After his removal, due to health conditions, petitioner couldn't prefer his claim application for release of retirement benefits. Even the Regional office/immediate superior authorities didn't pay attention to petitioner's condition. Since his removal in


 अनंत नायक/ANANTA NAYAK
 सदस्य/Member
 राष्ट्रीय अनुसूचित जनजाति आयोग
 NATIONAL COMMISSION FOR SCHEDULED TRIBES
 भारत सरकार/Govt. of India
 नई दिल्ली/New Delhi

year 2006 till the Notice of Commission in year 2021, Bank had no knowledge about the state through which the petitioner was undergoing and nobody brought to the notice of the higher authorities of the bank that the sacked employee was in coma and couldn't prefer claim application due to his bad health.

The representative of the Bank admitted that they were not aware of the health state of the petitioner. The Bank apologized for the long ignorance caused by Regional office/immediate superior authorities. Bank informed the Commission that Review application of the petitioner has also been removed and there was a CVC report against the petitioner in this case, which led to the penalty of removal from service. However, the Bank assured the Commission to take every possible step for the petitioner on humanitarian grounds.

It appears that the disciplinary proceedings didn't consider the hardships faced by the petitioner while discharging his duties at a remote branch, a valid defense which was ignored by the disciplinary authority. After the dismissal, the gross negligence of superior officers in following up with the petitioner and sleepy attitude in processing the terminal benefits, is a serious issue w.r.t. to a Scheduled Tribe employee.

Bank undertook to take action in this matter within 15 days and also undertook that the documents as stated above, be submitted within one month from the date of Sitting. If reports found to be unsatisfied, Commission may have another Sitting in this case on 20th May, 2022.

Commission also recommends the Bank to submit following documents:

- 1) Proposal sent to CVC for 1st and 2nd stage advices and the advice by CVC thereon.
- 2) Orders on Appeal & Review petitions.
- 3) Any letter of warning by regional office to petitioner for violation of Bank norms when he was working alone in Branch.
- 4) Report on lapses of regional office by not posting /deputing a Branch Manager after granting leave to incumbent from 18.04.2003 to 15.06.2003, thus leaving petitioner alone at the branch.
- 5) The condition of Shellapunje Branch today i.e. infrastructure, manpower, facilities and distance from higher office.
- 6) A report on stringent action taken on Regional office/immediate superior of petitioner for such a delay in providing terminal benefits which caused immense hardship to ailing petitioner.
- 7) A Report on action taken by the Bank for reconsideration of the case of the petitioner.



(Ananta Nayak)

Member, National Commission for Scheduled Tribes,
New Delhi

अनंत नायक/ANANTA NAYAK

सदस्य/Member

राष्ट्रीय अनुसूचित जनजाति आयोग

NATIONAL COMMISSION FOR SCHEDULED TRIBES

भारत सरकार/Govt. of India

नई दिल्ली/New Delhi

Annexure

List of participants of the sitting held on 25.03.2022 at 11:00 AM under the Chairmanship of Shri Ananta Nayak, Hon'ble Member, NCST in the case of Shri Oliver Jones Hynniewta, Ex-Head (Cashier, UCO Bank (FMP No. 30369), Shellapunjee Branch, Distrit-East Khasi Hills (Meghalaya) regarding harassment, discrimination and illegal removal from bank services to ST Official-reinstatement into services.

I.	<u>UCO Bank, Kolkata</u>
1	Shri Ajya Vyas, Executive Director
2	Shri Naresh Kumar, General Manager (HRM)
II.	<u>Petitioner</u>
1	Shri Varinder Chhabra (Representative of the petitioner)
2	Shri Akshay Kumar Mishra (Representative of the petitioner)