



By 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. S/2/2018/MPNT3/SEHRMT/RU-IV

Dated: 30.07.2018

To,
Chief Post Master General,
Telangana Circle,
DAK Sadan Building,
Abids Circle, JN Road, Abids,
Hyderabad-500001 (Telangana).

Sub: Minutes of the Sitting taken by Smt Maya Chintamn Ivnate, Hon'ble Member National Commission for Scheduled Tribes (NCST) on 25.07.2018 in the matter of Shri Srinivasulu, Postal Assistant, Wanaparthy H.P.O, Wanaparthy Postal Division, Telangana Circle, Hyderabad Regarding harassment and suspension from service

Sir,

I am directed to enclose a copy of the Minutes of the Sitting held under the Chairmanship of Smt Maya Chintamn Ivnate, Hon'ble Member, National Commission for Scheduled Tribes on dated 25.07.2018 on the above mentioned subject for perusal..

It is requested that action taken report on the Commission's recommendations in the matter may be sent to the Commission within 30 days positively for placing the same before the Hon'ble Member, NCST.

Yours faithfully

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

Copy to:

Shri Srinivasulu,
Postal Assistant,
Wanaparthy H.P.O,
Wanaparthy Postal Division,
Telangana Circle,
Hyderabad-509103

6604-05
31/7/18

ISSUED

Copy to:

SSA, NIC, NCST.

NATIONAL COMMISSION FOR SCHEDULED TRIBES

S/2/2018/MPNT3/SEHRMT/RU-IV

PROCEEDINGS OF SITTING HELD ON 25.07.2018 AT 04.00 P.M. CHAIRED BY SMT. MAYA CHINTAMN IVNATE, HON'BLE MEMBER, NATIONAL COMMISSION FOR SCHEDULED TRIBES (NCST) IN THE CASE OF SHRI SRINIVASULU, POSTAL ASSISTANT, WANAPARTHY H.P.O., WANAPARTHY POSTAL DIVISION, TELANGANA POSTAL CIRCLE, REGARDING REVOCATION OF SUSPENSION.

Date of Sitting: 25.07.2018

List of officers present in sitting is Annexed.

The National Commission for Scheduled Tribes received a representation from Shri Srinivasulu, Postal Assistant, Wanaparthy Postal Division, Telangana Postal Circle Telangana regarding revocation of suspension. The petitioner has alleged that he is working as a Postal Assistant since 2006 without any error and satisfaction of Superiors. While working as a Sub-Post Master, Balanagar Post Office, Wanaparthy Postal Division in Andhra Pradesh circle (Now Telangana Circle), he was placed under suspension w.e.f. 21.04.2012 without making any proper investigation on the charges of misappropriation of NREGS amount. No public complaint was received against him during his posting at Balanagar, no lapses on NREGS funds pointed out by the Social Audit Panel at Balanagar and even no irregularities was found during the inspection conducted by Superintendent of Post Offices, Wanaparthy Division. However, he was suspended and after lapse of one year a charge-sheet under Rule 14 CCS (CCA) Rules, 1965 was issued on 30.09.2013 by the Superintendent of Post Office, Wanaparthy Division. Departmental Enquiry was conducted against him. But after passing of about 5 years, the enquiry has not concluded and his suspension has not been revoked so far. He has also not paid 75% subsistence allowances as per rules for suspension period.

2. As per procedure, the NCST vide its letter dated 30.05.2018 has sought a report in the case from the Chief Post Master General, Telangana Circle. The report was found to be unsatisfactory and therefore, the Hon'ble Member, Smt. Maya Chintamn Ivnate fixed a Sitting on 25.07.2018.

3. During the Sitting, the petitioner has raised the grievances of non revocation of suspension after passing of about 6 years as per the Government Rules and non payment of 75% subsistence allowances for suspension period. He has also submitted that he was harassed by way of issuing double charge sheet and conducting enquiry by the CBI and the Postal Department for one charge. The Department's contention of misappropriation of NREGS payments to the Rs. 46 lakhs is wrong. Actually, there was no case of misappropriation of fund. The Superintendent of Post Offices, Wanaparthy vide its letter dated 28.02.2013 has informed irregularly charged amount to the tune of Rs. 20,07,774/- while working as SPM, Balanagar SO during the period from 20.05.2010 to 02.04.2012 and directed to credit the amount immediately under UCR. The CBI inquiry has stated that the total asset of the petitioner is less than Rs. 2.00 lakh, which shows that he is not way beneficiary of fraud. Thus it appears that the Postal Department has prejudice attitude towards him.

4. The Hon'ble Member, NCST asked the Officers of Postal Department, Telangana circle to present the facts of the case and reasons for non revocation of suspension.


Smt. Maya Chintamn Ivnate
Member
National Commission for Scheduled Tribes
Govt. of India, New Delhi


5. The Director of Posts, Telangana circle has reported the Commission that there was a complaint against the petitioner Shri Srinivasulu for misappropriation of funds to the Rs.46,48,979/- in NREGS payments. Hence, he was kept under suspension w.e.f. 21.04.2012. The suspension of the said official is being reviewed by the review committee at regular intervals for every 180 days as per rules and the Committee recommended for continuation of his suspension. Last review was conducted on 05.02.2018 and review committee recommended for continuation of suspension for further period of 180 days. The petitioner also challenges his suspension before the Hon'ble CAT, Hyderabad vide O.A. No. 1379/2012 and the Hon'ble CAT vide order dated 23.07.2013 directed to issue charge sheet to the petitioner. The matter is still pending before the Hon'ble CAT. There was a fraud case registered with CBI and the case is under trial. The petitioner has also got a stay order on the Departmental Proceedings from the Hon'ble CAT, Hyderabad. Hence, as per the Hon'ble CAT direction, the petitioner's disciplinary case is kept abeyance till the finalisation of criminal case pending in the CBI court. The case relating to attachment of petitioner's house property is under investigation of District Collector

6. It was also reported to the Commission that 20 meetings of the Departmental Proceedings have been conducted and the case was on last stage of finalization. But due to stay order, the Departmental Proceedings have been kept abeyance. If the stay order is vacated, then inquiry will be completed within a period of 3 months:

7. The case discussed in detail. The Commission observed that the petitioner was suspended on 21.04.2012 without issuing any charge sheet. No Departmental inquiry was initiated. However, on direction of the Hon'ble CAT, a charge Memorandum under Rules 14 of CCS(CCA) Rules, 1965 was issued to the petitioner vide Memo dated 30.09.2013. 20 Sittings of the inquiry have been held. But the inquiry has not been completed so far even after passing about 6 years. There is a Government instruction that the inquiry should be completed within a period of 15 months from the issuing of charge sheet. In the instant case the Departmental inquiry has not been concluded after passing of about 6 years. The Commission also felt that after issuing the charge sheet and ongoing departmental inquiry, the suspension should have been revoked by the Department. There is no need to continue suspension to the official concerned for indefinite periods. The subsistence allowance for suspension period should also be given @ 75% of the pay. But the subsistence allowance has not been paid as per rules.

8. The Commission observed that the petitioner has obtained a stay order against Departmental proceedings which has stopped further proceedings in the case. Hence, the petitioner is advised to file an application before the Hon'ble CAT to vacate the stay order and in this regard an undertaking from the petitioner's side would be submitted to the Department concerned for finalization of the inquiry. The extension period of suspension is being reviewed in the first week of August, 2018. Hence, taking into consideration of petitioner's undertaking for vacation of stay order, the Commission recommends the Postal Department to take necessary action including placing the recommendation of the Commission before Review Committee for revocation of the suspension of the petitioner. The Departmental inquiry should be completed within a period of 3 months. The Postal Department should ensure that no injustice/harassment may be meted out against the petitioner.

9. The CPMG, Telangana Circle is directed to submit an action taken report within 30 days to the Commission.


Smt. Maya Chintamni Inate
Member
National Commission for Scheduled Tribes
Govt. of India, New Delhi

NATIONAL COMMISSION FOR SCHEDULED TRIBES

Annexure

(File No. S/2/2018/MPNT3/SEHRMT/RU-IV)

List of participants

NCST

1. Smt. Maya Chintamn Ivate, Hon'ble Member (In chair)
2. Shri S.K. Ratho, Joint Secretary
3. Shri P.T. Jameskutty, Deputy Secretary
4. Shri Y.K. Bansal, Research Officer
5. Shri Sudhir Atram, PS to Hon'ble Member
6. Shri H.R. Meena, Sr. Investigator

Officers of Chief Post Master General, Telangana Circle

1. Brig. B. Chandrasekhar, Chief Post Master General
2. Shri S.V. Rao, Director of Postal Services, Telangana Circle

Petitioner

Shri R. Srinivasulu