

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)

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

Dated: 02.11.2018

To,

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

Sub: Proceedings of the sitting taken by Smt. Maya Chintamn Ivnate, Hon'ble Member, National Commission for Scheduled Tribes (NCST) on 08.10.2018 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 a copy of the Proceedings of the Sitting held under the Chairmanship of Smt. Maya Chintamn Ivnate, Hon'ble Member, National Commission for Scheduled Tribes on 08.10.2018 on the above mentioned subject for necessary action at your end.

It is requested that action taken report in the matter may be intimated to the Commission, within one month positively for placing the same before the Hon'ble Member, NCST.

Yours faithfully,

(Y.K. Bansal)
Research Officer

Copy to:-

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

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ISSUED

NATIONAL COMMISSION FOR SCHEDULED TRIBES

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

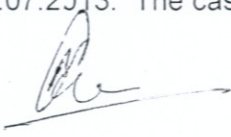
PROCEEDINGS OF SITTING HELD ON ~~08-10~~ 08-10-2018 AT 4:00 PM CHAIRED BY SMT. MAYA CHINTAMN IVNATE, HON'BLE MEMBER, NATIONAL COMMISSION FOR SCHEDULED TRIBES (NCST) IN THE CASE OF SHRI K. VENKATESWARLU, NELLORE DISTRICT (AP) REGARDING REINSTATEMENT INTO SERVICE IN ANDHRA PRAGATHI GRAMEENA BANK, NANDIPADU BRANCH, NELLORE AP.

Date of Sitting: ~~08-10~~ 08-10-2018

List of officers present in sitting is Annexed.

Shri K. Venkateswarlu, Nellore District (AP) vide his representation dated 22.05.2017 has represented before the Commission regarding reinstatement into service in Andhra Pragathi Grameena Bank (APGB), Nandipadu Branch, Nellore AP.

2. The petitioner has submitted the following grievances in his representation:
 - (i) He was working Office Assistant (Clerk cum Cashier) at Nandipadu Branch from 19.08.2009.
 - (ii) He was issued charges for fake charges of irregularities and misappropriation of funds. However, there was involvement of Branch Manager Shri P. Venkataparthu 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 then dismissed from services vide order dated 21.09.2016. He has submitted an appeal before the Appellate Authority and the appeal is pending for a decision.
3. The NCST vide its letter dated 22.05.2017 has sought a report in the case from the Chairman, Andhra Pragathi Grameena Bank, Kadapa, Andhra Pradesh.
4. The Andhra Pragathi Grameena Bank vide its letter dated 23.06.2017 and 30.11.2017 has submitted a report stating that Shri Venkateswarlu, while working as Office Assistant (Multipurpose) (Clerk-cum-cashier) was designated as Office Assistant (Multipurpose) at Nandipadu Branch from 19.08.2009, had committed certain irregularities violating the Staff Service Regulations of the Bank and the Disciplinary Authority had placed the above ex-employee under suspension on 03.07.2013. The case is a Vigilance case.


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

After detailed investigation by the Vigilance Department of the Bank, a show cause notice was issued to him vide Ref. No. 112/HRD&IR/SCN/1196/2013 dated 31.10.2013. As the reply submitted by him was not found satisfactory, the Disciplinary Authority proceeded further and issued a charge sheet vide Ref. No. 04/HRD-IR/CGS/1196/2014 dated 11.03.2014. The above ex-employee submitted his reply to the above charge sheet vide letter dated 30.04.2014. As the reply submitted by the above ex-employee was not found satisfactory, the Disciplinary Authority proceeded further by instituting Departmental enquiry into the above charge sheet issued to Shri Venkateswarlu by appointing Enquiry Officer.

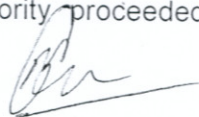
After proving the charges, the Disciplinary Authority has imposed penalty as under:

- (a) Punishment awarded: Stoppage of two immediate next increments (stagnation) for a period of 5 years.
- (b) Withholding of next one increment for a period of 6 months.
- (c) The involvement of Shri P.V. Narayana was not proved in the case.
- (d) The Disciplinary authority has also awarded penalty of dismissal on services vide order dated 21.06.2016.

5. The petitioner has preferred an appeal vide his letter dated 05.11.2016 to the Appellate Authority and the same under examination of the Appellate Authority. Shri P. Venkataparthi, the then Manager was also said the charge sheet, conducted department enquiry and after duly following the procedure awarded punishment by the Disciplinary Authority.

6. A copy of reply dated 30.11.2017 of Andhra Pragathi Grameena Bank had sent to the petitioner for information. He has submitted a rejoinder dated 16.05.2018 to the Commission. On perusal of records in the file, Smt. Maya Chintamn Ivate, Hon'ble Member, NCST has fixed a sitting with the Chairman, Andhra Pragathi Grameena Bank on 21.08.2018 at 12.00 Noon for discussion in the matter. Accordingly Sitting notice has been issued.

7. The Chairman, Andhra Pragathi Grameena Bank appeared before the Commission on 21.08.2018. The petitioner was not present in the day of Sitting. The matter discussed in detail. The Hon'ble Member (HKD), NCST asked to the Chairman, APGB to explain the case. The Chairman, APGB submitted to the Commission that Shri K. Venkateswarlu had committed certain irregularities during the posting at Nandipadu branch as Clerk cum Cashier designated post from 19.08.2009. The disciplinary authority had placed him under suspension on 03.07.2013 after detailed investigation by the Vigilance Department of the Bank a show casuse notice was issued on him on 31.10.2013. As the reply submitted by him was not satisfactory, the Disciplinary authority proceeded further and issued a chargesheet on



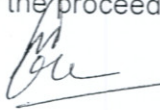
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11.03.2014. The petitioner submitted in the reply with reference to chargesheet the reply submitted by the petitioner was not found satisfactory, the Disciplinary authority proceeded further by Instituting Departmental Enquiry into the above chargesheet issued. The Enquiry Officer had commenced the Enquiry Proceedings on 16.09.2014 and completed on 17.12.2015, the Enquiry Officer submitted his findings vide his report dated 20.02.2016. The copy of Enquiry Officer Report was provided to the petitioner on 20.02.2016 for his remarks. The petitioner has submitted his remarks on the findings of the Enquiry Officer in the matter. After completion of enquiry proceedings, the Disciplinary Authority had awarded the punishment of dismissal from service on 21.09.2016. The petitioner had also submitted his appeal dated 05.11.2016 to the Appellate Authority which was disposed on 29.04.2017.

8. After hearing the Commission observed that Bank has dismissed the petitioner's service vide order dated 21.09.2016 on the charges of misappropriation of funds. However, the petitioner was stated that in a similar case of Shri Sashi Bhushan, dropped the charges and his dismissal punishment was modified with the punishment of minor penalty vide order No. 39/PER-HRD/FO/1247/2016. This itself show and proves indifferent and biased attitude of the Bank Management. However, the Commission advised the petitioner to submit a review petition against the penalty before the Bank Management and the same will be examined and decided in the favour of the petitioner. The CMD of the Bank assured the Commission that the petitioner's review petition will be submitted before the Board of Directors of the Bank with new facts of the case.

9. The Commission therefore, recommends 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 will 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.

10. An action taken report in the case should be submitted before the Commission within 30 days on receipt of the proceedings.



Smt. Maya Chintamn Ivate
Member
National Commission for Scheduled Tribes
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NATIONAL COMMISSION FOR SCHEDULED TRIBES

Annexure

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

List of participants

NCST

1. Smt Maya C. Irnate, Hon'ble Member (In chair)
2. Shri P.T. Jameskutty, Deputy Secretary
3. Shri H.R. Meena, Sr. Investigator

Officers of Andhrar Pragathi Grameena Bank

Shri Venkatta Reddy, Chairman.