



भारत सरकार

Government of India

राष्ट्रीय अनुसूचित जनजाति आयोग

National Commission for Scheduled Tribes

(A Constitutional body set up under Article 338A of the Constitution of India)

6th floor, 'B' Wing, Loknaya Bhawan
Khan Market, New Delhi-110 003

Case No. AK/3/2015/STGDH/SEHRMT/RU-I

Dated: 24/12/2018

To

1. The Secretary,
Govt. of India,
Ministry of Labour & Employment,
Shram Shakti Bhawan,
Rafi Marg,
New Delhi-110001.

2. The Commissioner,
Employees Provident Fund Organisation,
Bhavishya Nidhi Bhawan,
14, Bhikaji Cama Place,
New Delhi – 110066.

Sub: Representation dated 05/11/2015 received from Shri Amit Kumar, Social Security Assistant, Employee No. 667, Cashier - 1, A - 1, 171, EPFO, Sector-23, Bhagwati Garden Extension, Street No. 10, Jain Road, Near Dwarka Mod Metro Station, New Delhi in the context of Office harassment.

Sir,

I am directed to refer to the subject cited above and to enclose a copy of the minutes of Sitting held in the Headquarters of National Commission for Scheduled Tribes on 27/11/2018 at 12:30 P.M. under the Chairmanship of Shri H. C. Vasava, Hon'ble Member, National Commission for Scheduled Tribes in the matter.

It is, requested that action taken on the suggestions / recommendations of the Commission may please be sent to the NCST at the earliest.

Encl: As above.

Yours faithfully,

(राजेश कुमार)

सहायक निदेशक

Tel: 011-24641640

Copy to:

Shri Amit Kumar,
Social Security Assistant,
Employee
No. 667, Cashier - 1, A - 1, 171,
Bhagwati Garden Extension, Street No. 10,
Jain Road, Near Dwarka Mod Metro Station,
New Delhi – 110059.

Copy for information to:

1. PS to Hon'ble Member (HCV), NCST
2. NIC (for hosting on Commission's website).

Government of India
National Commission for Scheduled Tribes

(File No. AK/3/2015/STGDH/SEHRMT/RU-I)

Sitting held on 27/11/2018 at 12:30 P.M. under the Chairmanship of Shri H. C. Vasava, Hon'ble Member, NCST in the case of Shri Amit Kumar, Social Security Assistant, Employee No. 667, Cashier - 1, A - 1, 171, Employees Provident Fund Organization (EPFO), Sector-23, Bhagwati Garden Extension, Street No. 10, Jain Road, Near Dwarka Mod Metro Station, New Delhi in the context of harassment by the Officers of EPFO.

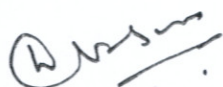
List of participants is annexed.

The representation dated 05/11/2015 from Shri Amit Kumar was referred to the Commissioner of Police, Delhi and the Commissioner, Regional EPFO, New Delhi for comments and facts vide NCST's notice dated 10/11/2015. These Agencies responded to the NCST and, as per procedure, these were referred to Shri Amit Kumar. Shri Amit Kumar vide representation dated 26/07/2017 has refuted the facts furnished by the agencies and requested for justice.

The issue was discussed with the officers of Ministry of Labour & Employment, EPFO and the petitioner in the sitting held on 08.05.2018. After detailed discussion, in the sitting dated 08.05.2018, the Commission suggested / recommended that the Ministry of Labour and Employment and EPFO should take appropriate action on the following points and submit the report to the Commission within a month from the receipt of the minutes of the meeting:

- (i) A Committee should be set up by Ministry of Labour and Employment comprising of one Member from ST category to examine the incident.
- (ii) The CCTV footage may please be restored for record by EPFO.
- (iii) A notice should be issued to the accused person(s) immediately as a warning by EPFO.
- (iv) Issue of non-clearance of medical bill of petitioner's wife to be examined by EPFO.
- (v) Shri Amit Kumar is advised to not visit the South Zone Office of EPFO.

The minutes of sitting were sent to Secretary, Ministry of Labour & Employment and Commissioner, EPFO New Delhi for action taken report on 25.05.2018. The Ministry of Labour & Employment vide letter No. Z-13025/39/2016-SS-1 dated 06.08.2018 had


हर्षदाभाई वसवा/Harshadhbhai Vasava
सदस्य/Member
राष्ट्रीय अनुसूचित जात आयोग

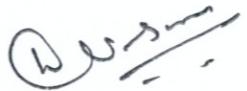
furnished the report of the Committee (which was constituted by the Ministry of Labour in pursuance of the suggestion of NCST). Meanwhile, the petitioner has submitted the representation regarding the harassment by the EPFO officers. Accordingly, the Hon'ble Member fixed the sitting for 27.11.2018 to discuss the issue with the officers of Ministry of Labour and Employment, EPFO and petitioner.

The Director, Ministry of Labour and Employment was appeared on behalf of Secretary, Ministry of Labour and Additional Central PF Commissioner (HQ) Regional PF Commissioner (s), Delhi (South & West), Regional PF Commissioner (HRM) Head office Assistant PF Commissioner (HRM) Head office were deputed by the PF Commissioner EPFO to appeared before the Commission.

The Hon'ble Member asked the petitioner to explain the grievances. The petitioner informed that the officers of EPFO is still harassing him. The officers/ employees involved in the earlier incident were teasing him. The accused be punished and done the justice. The report of the Committee submitted by the Ministry of Labour and Employment be provided.

The Hon'ble Member asked the representatives of Ministry of Labour and Employment to explain the action taken by the Ministry. The representatives of Ministry of Labour and Employment informed that as per directions/ suggestions of Commission a Committee was constituted by the Ministry to enquire the entire incident as explained by the petitioner. The said report has been submitted to the Commission. In the report, it has been described that the CCTVs cameras were not functional and there was no footage available of the hall where incidence took place. The Committee recommends for fixing of responsibility by EPFO against erring officials (s) for this laxity. This is for consideration of the Commission.

The EPFO officers told the Commission that there is no policy for installing the CCTVs cameras in the premises of the EPFO offices. The EPFO provided/ allotted the new assignment/ work of nature to the petitioner. The officers of EPFO cooperated with the petitioner. The incidents raised by the petitioner are baseless and or beyond the purview of the EPFO.


हर्यदभाइ वसवा/Harshadbhai Vasava
सदस्य/Member
राष्ट्रीय अनुसूचित जनजाति आयोग
National Commission for Scheduled Tribes
भारत सरकार/Govt. of India
नई दिल्ली/New Delhi

After detailed discussions, the Hon'ble Member suggested/ recommended that action on the following points be taken by the concerned authorities.

- (1) Photographs, if available be provided to the petitioner, as requested/raised in the sitting by him by EPFO.
- (2) The EPFO should frame a policy/ guidelines for installing the CCTV cameras in their offices.
- (3) The petitioner should maintain the decorum and behaviours with the colleagues and officers of EPFO.
- (4) The officers of EPFO should softly act with the ST employees, so that they can learn/ encourage to attend/ complete the work properly.
- (5) If petitioner, not satisfied with the action of the EPFO regarding quarrel by the employees of EPFO, then he may approach the Police Department for redressal of the grievance.
- (6) A copy of the report of the Committee submitted by the Ministry of Labour and Employment be provided to the petitioner by the Commission.



हर्षदभाई वसावा/Harshadhbhai Vasava
सदस्य/Member
राष्ट्रीय अनुसूचित जनजाति आयोग
National Commission for Scheduled Tribes
भारत सरकार/Govt. of India
न. नई दिल्ली/New Delhi

**Government of India
National Commission for Scheduled Tribes**

File No. AK/3/2015/STGDH/SEHRMT/RU-I

List of participants of the sitting held on 27/11/2018 at 12:30 PM under the Chairmanship of Shri H. C. Vasava, Hon'ble Member, NCST in the case of Shri Amit Kumar, Social Security Assistant, Employee No. 667, Cashier - 1, A - 1, 171, Employees Provident Fund Organization (EPFO), Sector-23, Bhagwati Garden Extension, Street No. 10, Jain Road, Near Dwarka Mod Metro Station, New Delhi in the context of harassment by the Officers of EPFO.

I	<u>National Commission for Scheduled Tribes</u>
1.	Shri H. C. Vasava, (In chair) Hon'ble Member
2.	Dr. Lalit Latta, Director
3.	Shri Rajeshwar Kumar, Assistant Director
4.	Shri R. S. Mishra, Senior Investigator
5.	Shri Manoj Mishra, P.S. to Hon'ble Member
II	<u>Ministry of Labour & Employment,</u>
1.	Shri Vinod Kumar, Director
2.	Shri A.K. Barama
III	<u>Employees Provident Fund Organisation</u>
1.	Shri K.L. Taneja, Additional CPFC Delhi and UK Zone
2.	Shri N. Thothar, RPFC-I (HRM) HQs
3.	Shri Shashank Dinkar, RPFC-1, RO, Delhi (South)
4.	Shri Uttam Prakash, RPFC RO, Delhi (West)
5.	Shri D.C. Ganguel, APFC
6.	Shri Raj Kamal Meena, APFC (Head office)
IV	<u>Petitioner</u>
1.	Shri Amit Kumar