



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. BCN/3/2018/STGAP/SEHRMT/RU-IV

Dated: 04.02.2019

To,

1. **The Principal Secretary,**
Agricultural Department,
Government of Andhra Pradesh,
Secretariat,
Velagapudi, Amaravati,
District – Guntur (Andhra Pradesh).
2. **The Vice-Chancellor,**
Acharya N G Ranga Agriculture University,
Lam, Amaravati,
District – Guntur (Andhra Pradesh).

Sub: Proceedings of the Sitting taken by Miss. Anusuiya Uikey, Hon'ble Vice-Chairperson, National Commission for Scheduled Tribes (NCST) on 11.01.2019 in the case of Shri B. Chekre Naik, All India General Secretary, FCI ST Staff & Officers Welfare Association, Hyderabad regarding harassment to Shri K.S.S. Naik by Acharya N G Ranga Agriculture University Authorities.

Sir,

I am directed to enclose herewith a copy of the Proceedings of the Sitting held on 11.01.2019 under the Chairmanship of Miss Anusuiya Uikey, Hon'ble Vice-Chairperson, National Commission for Scheduled Tribes on the above mentioned subject for necessary action and submission of compliance report to this Commission within 15 days from the receipt of the letter for placing the same before the Hon'ble Vice-Chairperson, NCST.

Yours faithfully

(Y.K. Bansal)
Research Officer

Copy to:

Shri B. Chekre Naik,
All India General Secretary,
FCI-ST Staff & Officers Wel. Asso.,
O/o Food Corporation of India,
Regional Office, HACA Bhawan,
3rd Floor, Opp. Public Gardens,
Hyderabad – Andhra Pradesh – 4

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5/2/19

जारी किया
ISSUED

Received copy
(Signature)
4/2/19

NATIONAL COMMISSION FOR SCHEDULED TRIBES

F. No. BCN/3/2018/STGAP/SEHRMT/RU-IV

PROCEEDINGS OF SITTING HELD ON 11-01-2019 AT 1.00 P.M. CHAIRED BY MS. ANUSUIYA UIKEY, HON'BLE VICE CHAIRPERSON, NATIONAL COMMISSION FOR SCHEDULED TRIBES IN THE CASE OF REPRESENTATION OF SHRI B.CHEKRE NAIK, GENERAL SECRETARY, ALL INDIA CENTRAL/PSUS AND STATE GOVERNMENT S.T. EMPLOYEES WELFARE ASSOCIATION, HYDERABAD, TELANGANA REGARDING HARASSMENT OF DR. K.S.S.NAIK, PRINCIPAL SCIENTIST (GROUNDNUT), ACHARYA N.G.RANGA AGRICULTURE UNIVERSITY, LAM, GUNTUR (A.P.) BY THE UNIVERSITY MANAGEMENT.

Date of Sitting : 11-01-2019

List of Participants present in the sitting is annexed.

Shri B.Chekre Naik, General Secretary, All India Central/PSUs and State Government S.T. Employees welfare Association, Hyderabad, vide his representation dated 22-9-2018 has represented before the Commission that the S.T. Officer namely Dr. K.S.S.Naik, presently working as Principal Scientist (Groundnut) in Acharya N.G.Ranga, Agriculture University (ANGRAU), Lam, Guntur is being harassed by the Vice Chancellor, Registrar and Director of Research, ANGRA University, Lam, Guntur by way of issuing baseless/false memos, show cause notices and instigating inquiry committee to find fault and depriving him from his legitimate right of Heading the Agriculture Research Station, Kadiri. In this connection, Dr.K.S.S.Naik was transferred from ARS Kadiri to College of Agriculture, Naira, Srikakulam and later on he was demoted to the post of Associate Professor.

Aggrieved by the transfer order from Registrar, ANGRAU, Dr.Naik approached the Hon`ble High Court of Judicature at Hyderabad for the State of Telangana and the State of Andhra Pradesh. The Hon`ble High Court ordered the ANGRAU Authorities to reinstate Dr. K.S.S.Naik in the of HEAD, ARS, Kadiri and kept aside the transfer order issued by Registrar, ANGRAU. However, the University Authorities did not implement the Hon`ble High Court orders and instead of this, his harassment was continued by way of non allowing to join the duty and non-payment of salary. Dr. Naik then filed a contempt petition before the Hon`ble High Court and Hon`ble Court took serious note on non implementation of Court`s orders dated 31-7-2018. The Hon`ble Court vide its order dated 4-12-2018 directed to University authorities for immediate compliance of High Court`s order dated 31-7-2018 and 6-11-2018. But the University authorities did not comply with Hon`ble Court`s orders to till date.

It is further submitted that after Hon`ble High Court`s order dated 31-7-2018, Dr.Naik has submitted joining report to the Registrar, ANGRAU. But he was not allowed to join the duty and no salary was given to him.

Anusuiya

शुद्धी अनुसुईया उइके/ Miss Anusuiya Uikey
उपाध्यक्ष/Vice Chairperson
राष्ट्रीय अनुसुचित जनजाति आयोग
National Commission for Scheduled Tribes
भारत सरकार/ Govt. of India
नई दिल्ली/ New Delhi

2 As per procedure of the Commission, the matter was taken up with the Chief Secretary, Government of Andhra Pradesh, Principal Secretary, Agriculture Department, Government of Andhra Pradesh and Vice Chancellor, ANGR Agricultural University, Lam, Guntur vide Commission's notice dated 31-10-2018 for report.

3. In response to the Commission's notice dated 31-10-2018, the Registrar, ANGR Agriculture University vide its letter dated 26-11-2018 informed facts of the case that on receipt of the complaint of misappropriation/misusing funds without proper permissions and sanctions from the competent authority made against Dr.K.S.S.Naik, the then Principal Scientist & Head ARS, Kadiri, the University has constituted a committee to inquire into the allegations made against the individuals. The preliminary inquiry was conducted by the enquiry committee constituted for the purpose and found certain irregularities of misappropriation of funds towards unauthorized constructions at ARS Kadiri and Groundnut Seed Research and Production Centre, Revolving Fund by engaging unauthorized machinery for land development, huge expenditure incurred on several permanent dead stocks without proper permissions etc. Thereafter the Inquiry report was examined and the University has constituted a Special Audit Committee to find out the quantum of loss sustained negligence on the part of Dr.K.S.S.Naik, the then Principal Scientist & Head, ARS, Kadiri and also for loss through fraud and negligence on each of the proved charges. The Special Audit Committee after examination of the charges leveled against Shri Naik found lapses of funds of Rs.10,87,125. The inquiry Committee Report was also provided to Dr.Naik for submission of his reply. However he has not submitted his defence statement or any documents to defend the charges made against him. Accordingly the entire matter was placed before the Board of Management which is the competent authority for taking a final decision. The Board of Management of the University vide its Resolution No.9968, dated 27-10-2018 resolved "to demote Dr.K.S.S.Naik from present Principal Scientist post to Associate Professor cadre post in the minimum pay scale of Rs.37400-69000/-+AGP Rs.9000/- in addition to the recovery of proved misappropriated amount of Rs.10,87,125/- reported by the Special Audit Committee"

Further Dr.K.S.S.Naik, the then Principal Scientist & Head, ARS, Kadiri presently under transfer orders from ARS, Kadiri to Agricultural College, Naira as Professor (CAS) who is under orders of demotion to Associate Professor cadre is barred to hold any administrative positions for another five years.

4. Since the University's report was found to be unsatisfactory and therefore, the Hon'ble Vice Chairperson, NCST fixed a sitting on 11-1-2019 to have a discussion in the case in the Commission.

5. The Vice Chancellor and Registrar ANGRAU were called for sitting. But both authorities did not appear and also not sent any request for exemption of appearance. However on behalf of both authorities, one junior officer appeared. No officer from the Agriculture Department, Government of A.P. was also came. The Commission took a serious note in this regard.

6. In the interest of Scheduled Tribes, a sitting was held and Dr.A.Subramayeswara Rao, Comptroller, ANGR Agricultural University on behalf of the Vice-Chancellor & Registrar ANGRAU appeared before the Commission. The petitioners Dr.KSS Naik and Shri B.Checkre Naik were also present.

7. In sitting, the Petitioner Dr.K.S.S Naik submitted his grievances. He was stated that he was appointed to the post of Assistant Professor/Scientist in Acharya N.G.Ranga Agriculture University (ANGRAU) on 18-9-1998 and posted at Agriculture Research Station (ARS), Kadiri as Scientist (Plant Breeding (PB). Further he was promoted/appointed (Direct Appointment) as Associate Professor/Senior Scientist (PB) on 15-10-2004 pursuant to the notification issued by Registrar, ANGRAU, and posted at ARS, Kadiri as Senior Scientist (Pant Breeding). Again he was promoted to the post of Professor/Principal Scientist (Pant Breeding) under Career Advancement Scheme on 27-10-2010. Later on, the Vice Chancellor, Registrar and Director of Research, ANGRA University, Lam, Guntur have started harassing him by way of issuing baseless/false memos, show cause notices and instigating inquiry committee to find fault and depriving him from his legitimate right of Heading the Agriculture Research Station, Kadiri. In this connection, he was transferred from ARS Kadiri to College of Agriculture, Naira, Srikakulam and later on he was demoted to the post of Associate Professor. In this regard the Hon`ble High Court`s order dated 31-7-2018 and 4-12-2018 were not honored by the University authorities. He has submitted joining report to the Registrar, ANGRAU on 1-8-2018 as per Hon`ble High Court order dated 31-7-2018 and he was not allowed to join the duty. No salary was given to him from 1-8-2018 to till date. His demotion order was also not cancelled and he was not restored on the post of Head of ARS Kadiri.

8. The officer appeared, Comptroller (Admn. Office), ANGRAU briefed about the case. He was stated that on receipt of complaint of misusing of funds by Dr. K.S.S.Naik, the then Principal Scientist & Head, ARS, Kadiri, the University has constituted a committee to enquire into the allegations made against the individual. The preliminary enquiry was conducted by the enquiry committee constituted for the purpose was submitted its report. Accordingly, Dr.K.S.S.Naik, the then Principal Scientist & Head, ARS Kadiri was called for explanation for the above allegations. He refused/denied all the allegations. A detailed inquiry was ordered duly constituting an inquiry committee to conduct detailed inquiry under Rule 20 of APCS (CCA) Rules, 1991. The inquiry committee after detailed enquiry, submitted its report. The charges framed against Dr.Naik were proved by the Competent Authority. Thereafter the entire matter was placed before the Board of Management which is the competent authority for taking a final decision. The Board of Management of the University vide its Resolution No.9968, dated 27-10-2018 resolved "to demote Dr.K.S.S.Naik from present Principal Scientist post to Associate Professor cadre post in the minimum pay scale of Rs.37400-69000 +AGP Rs.9000 in addition to the recovery proved misappropriated amount of Rs.10,87,125 besides certain lapses on account to a tune of Rs.34.11 lakhs approximately during the period of Dr.K.S.S.Naik, the then Principal Scientist & Head, ARS Kadiri reported by the Special Audit Committee" and the same was served to the individual on 12-12-2018. He was transferred during July 2018 to Agricultural College, Naira against the vacant post of Associate Professor and posted as Professor (CAS) duly upgrading the post. Aggrieved by the University orders, he

Anusuiya

राष्ट्रीय अनुसूचित जात आयोग
उपसभा/Misce Chairperson
राष्ट्रीय अनुसूचित जात आयोग
National Commission for Scheduled Tribes
भारत सरकार/Govt. of India
नई दिल्ली/New Delhi

was filed Writ Petition in the Hon`ble High Court at Hyderabad challenging the University transfer orders.

The Hon`ble High Court issued an interim directions, set aside the university transfer orders. The University filed Court Affidavit along with vacate petition before the Hon`ble High Court. In the mean-time, he filed contempt of court before the Hon`ble High Court. The Hon`ble High Court has directed the university to comply the interim orders issued by the court; The University complied the interim orders and issued posting orders keeping abeyance pending disposal of Writ Petition. Accordingly he reported for duty on 11-12-2018 as Principal Scientist (Plant Breeding), ARS, Kadiri.

9. The case was discussed in detail. The Commission observed that the S.T. Officer Dr.KSS Naik who served more than 20 years with un-blemished service record was harassed by the University (ANGRAU) management by way of issuing memo, charge-sheet, show cause notice etc. on the charges of alleged misappropriation of funds . He was not provided opportunity to defend his case. The Hon`ble High Court of A.P. and Telangana vide its orders dated 31-7-2018 and 4-12-2018 has set aside orders of the University regarding transfer and demotion of Dr.Naik. But Hon`ble High Court`s order was not implemented by the University authority and he was also not allowed to join the duty w.e.f. 01.08.2018. No salary from 1-8-2018 to till date has not been disbursed in favor of Dr.Naik and hence he could not feed his family members. Thus, it appears to be case of discrimination and harassment with a ST officer. Therefore, the Commission strongly recommends that :

- The Vice Chancellor and Registrar, ANGRAU should implement the Hon`ble High Court of A.P. and Telangana order dated 31-7-2018 in toto with immediate effect
- The University authorities should release petitioner`s (Dr.Naik) salary w.e.f. 1-8-2018 to till date within seven days period, failing which the provisions of Atrocity Act will be invoked.
- Dr.Naik`s transfer should be reviewed and he should be considered to be posted as Head, ARS Kadiri.
- The demotion order of Dr.Naik should also be reviewed and cancelled. He should be reinstated to the post of Professor/Principal Scientist in the University.
- The University authorities should ensure that no further harassment/injustice be meted out against the S.T. petitioner/
- An action taken report on the recommendation of the Commission should be submitted within 15 days from the receipt of the Proceedings.

Anusuiya

शुभे अनुसुईया उइके/Miss Anusuiya Uitey
उनाइका/Vice Chairperson
संघीय अनुसुचित जनजाति आयोग
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NATIONAL COMMISSION FOR SCHEDULED TRIBES

Annexure

(File No. BCN/3/2018/STGAP/SEHRMT/RU-IV)

List of participants

NCST

1. Miss. Anusuiya Uikey, Hon'ble Vice-Chairperson (In chair)
2. Shri P.T. Jameskutty, Deputy Secretary
3. Shri Y.K. Bansal, Research Officer
4. Shri Gaurav Kumar, PS to Hon'ble VC
5. Shri H.R. Meena, Sr. Investigator

Officers of ANGR Agriculture University, Lam, Guntur (AP)

Dr. A. Subramanyeswara Rao, Comptroller, ANGRAU

Petitioners

1. Shri B. Chekre Naik
2. Dr. K.S.S. Naik