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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. BR/2/2018/STGTL/SEHRMT/RU-IV

Dated: 12.02.2019

To

The Principal Secretary,
Transport Roads and Buildings,
Government of Telangana,
Secretariat, Room No. 413,
A Block, 4th Floor,
Hyderabad. (Telangana)

The Managing Director,
Telangana State Road Transport Corporation,
Bus Bhawan,
R.T.C "X" Roads,
Hyderabad (Telangana)

Sub: Proceedings of the Sitting taken by Smt Maya Chintamn Ivate, Member, National Commission for Scheduled Tribes (NCST) on 22.01.2019 in the case of Shri B. Rajaiah, Driver, RNG-ii Depot, TSRTC, Hyderabad Regarding Harassment by RTC Management, revocation of Suspension and reinstatement into service.

Sir,

I am directed to enclose herewith a copy of the Proceedings of the Sitting held on 22.01.2019 under the Chairmanship of Smt Maya Chintamn Ivate, Hon'ble Member, National Commission for Scheduled Tribes on the above mentioned subject for necessary action and submission of compliance report to this Commission within 30 days from the receipt of the letter for placing the same before the Hon'ble Member, NCST.

Yours faithfully,

(Y.K. Bansal)
Research Officer

Copy to:

Shri B. Rajaiah,
Driver, RNG-II Depot,
H. No.13-66, Flat No. 205,
Sri Balaji Complex, Yadavnagar,
In front of Mudiraj Bhawan,
Malkajgiri,
Hyderabad - 500 047

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ISSUED

NATIONAL COMMISSION FOR SCHEDULED TRIBES

Case File No. BR/2/2018/STGTL/SEHRMT/RU-IV

PROCEEDINGS OF SITTING HELD ON 22.01.2019 CHAIRED SMT MAYA CHINTAMN IVNATE, HON'BLE MEMBER, NATIONAL COMMISSION FOR SCHEDULED TRIBES (NCST) IN THE CASE OF SHRI B. RAJIAH, DRIVER, RNG-II DEPOT, TSRTC, HYDERABAD REGARDING HARASSMENT BY RTC MANAGEMENT AND REVOCATION OF SUSPENSION.

Date of Sitting: 22.01.2019

List of officers present in sitting is Annexed.

The petitioner Shri B. Rajaiyah, Driver, RNG-II Depot, TSRTC, Hyderabad vide his representation dated NIL has represented his grievances of his harassment by TSRTC Management, misbehaviour and using derogatory caste words by Assistant Depot Manager (T) and alleged suspension.

He has been working as Driver in Ranigunj-II Depot since 1997 and also he is functioning as Chairman for SC&ST Workers Welfare Association, T.S.R.T.C since long time to bring the problems of the workers to the notice of the management at various level.

He alleged that 21.05.2018, Shri H. Srinivas, AM (T), RNG-II Depot abused and misbehaved with him and also manhandled in front of workers during the office time. He has then reported this matter to the Regional Manager and Divisional Manager, TSRTC, Secunderabad on the same day. But no action was taken against the defaulter Officer. In the meanwhile, he was on Medical Leave from 25.05.2018 to 11.06.2018. Thereafter, on completion of leave, he had submitted fitness certificate to join duty on 11.06.2018. However, the Depot Manager, RNG-II served suspension order and charge sheet on the charges of misbehaviour with Shri H. Srinivas, AM (T) on 21.05.2018. He had submitted his clarification about his innocent and action against defaulter officer but no action was taken and his suspension was continued. A Departmental inquiry was also initiated against him. It is pointed out that the Inquiry Officer appointed is junior from him and is not competent. He requested the Commission to withdraw the enquiry, revocation of suspension and action against defaulter officer.

2. As per procedure, the NCST vide its notice dated 29.11.2018 sought the report from the Principal Secretary, Transport Roads and Buildings, Government of Telangana and the Managing Director, Telangana State Road Transport Corporation, Hyderabad.

3. In response the Commission's notice, the TSRTC Management vide its letter dated 26.12.2018 has submitted a report wherein it has been reported that on 21.05.2018 the Assistant Manager, (Traffic), RNG-II Depot give a complaint to the Depot Manager alleging that when he was discharging his duty on 21.05.2018, he was abused and misbehaved by Shri B. Rajaiyah, Driver (petitioner). Shri Rajaiyah had also assaulted him in the office in presence of some officials. In the meanwhile, the petitioner Shri B. Rajaiyah had also submitted a complaint of misbehaviour by Assistant Manager (Traffic). Based on both complaints, the Depot Manager ordered for fact finding inquiry and appointed Assistant Manager (T) of


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

Contonment Depot to inquire the case. The Inquiry Officer conducted inquiry on 08.06.2018. During the inquiry, the Assistant Manager (Traffic) has submitted 7 witnesses for abusing to him by Shri Rajaiah and on other hand the petitioner, Shri Rajaiah has failed to produce witnesses. Hence, the Inquiry Officer concluded the inquiry with findings that the allegations against Shri Rajaiah are proved. Therefore, Shri Rajaiah was placed under suspension w.e.f. 08.06.2018 and was issued with a charge sheet. The domestic inquiry ordered and the Assistant Manager (inquiry), Secunderabad inquired the case. The petitioner has then submitted a representation for conduction of inquiry by a retired Judge or DVM in place of present Inquiry Officer as the Inquiry Officer is not competent to conduct inquiry. The petitioner's representation turned down and inquiry was conducted. The petitioner was given opportunities to defend the case. The Inquiry Officer concluded the inquiry with the findings of charges proved. Thereafter, the Disciplinary Authority i.e. Depot Manager imposed punishment of removal from services vide order dated 31.12.2018.

4. As the Department's report was found to be unsatisfactory and therefore, the Hon'ble Member, Smt. Maya Chintamn Ivnate, NCST fixed a Sitting on 22.01.2019.

5. The Sitting was held on 22.01.2019. The Executive Director, Regional Manager and Depot Manager from Telangana State Road Transport Corporation appeared before the Commission. The petitioner Shri B. Rajaiah along with about 10 employees of TSRTC in support of the petitioner were also present.

6. In Sitting, petitioner Shri B. Rajaiah has submitted grievances of his harassment, suspension and imposition of punishment of removal from service. He was stated that on 21.05.2018, the Assistant Manager (T) Shri H. Srinivas intentionally abused him on caste ground and manhandled him in front of workers. Thereafter, on the same day, he had made complaint against AM(T) to DM, RNG-II, Depot, DVM and Regional Manager, TSRTC to take action against the accused officer. However, no action was taken against the officer concerned and instead of this he was placed under suspension. His sanctioned medical leave was also treated as absent. A Charge sheet was also issued on 11.06.2018 on the charges of misbehaviour with AM(T). During the inquiry he was not provided opportunity to defend the case. A non competent Junior Officer conducted inquiry. Finally, a punishment of removal from services was imposed against him.

7. The petitioner further alleged that no inquiry was conducted against accused officer Shri H. Srinivas, AM(T) on the basis of complaint given by him and inturn he was victimized and imposed harsh penalty due to his belongingness to a marginalised Scheduled Tribe community.

8. The Depot Manager, TSRTC briefed about the case and further reported that on 21.05.2018 two complaints of misbehaviour and assault were received from the petitioner Shri Rajaiah and Shri H. Srinivas, AM(T), RNG-II, Depot. The preliminary inquiry was conducted and allegations levelled against Shri Rajaiah were proved. Thereafter, the petitioner was placed under suspension w.e.f. 08.06.2018 and a charge sheet was issued against him. Accordingly, a domestic inquiry was conducted and the petitioner was found guilty of misbehaviour and using unparliamentary language against AM(T). The petitioner was also given due opportunity to defend his case. Finally, the Depot Manager, RNG-II, Depot being Disciplinary Authority served final orders of removal from service on 31.12.2018. It is pointed out as per documents available on record, the petitioner Shri B. Rajaiah was absent to his duties for 7 days for the muster period of 17th April, 2018 to 16th May, 2018 without any prior intimation and therefore, he was marked "absent".


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However, the petitioner has an opportunity to submit an appeal against orders of punishment of removal from service. There is 3 tier appeal system. The petitioner has submitted an appeal and the same would be considered by the Appellate Authority.

9. The case was discussed in detail. The Commission observed that it is a serious case wherein, on one minor charge of misbehaviour, a harsh punishment of removal from service was imposed by the TSRTC Management against a low paid Scheduled Tribe petitioner Shri Rajaiah, which is not commensurate in proportionality with the nature of misdemeanor. The complaint of misbehavior and assault by AM(T) against the petitioner was not investigated and inturn the TSRTC management has one sided investigated the complaint of Shri H. Srinivas, AM(T) and awarded punishment. No charge sheet and suspension orders were issued against AM(T) as he was also accused in the misbehavior charges. The petitioner's defence documents were also not taken into consideration at the time of inquiry and inquiry was conducted in biased manner by a non competent officer. However, as reported by the officers of the TSRTC, the petitioner has an opportunity to file an appeal against dismissal order. Hence, the petitioner's punishment order should have been reviewed and set aside at the time of appeal in positive manner. In this regard the petitioner has submitted an appeal dated 22.01.2019 to the Appellate Authority, Divisional Manager, TSRTC.

10. In view of the above, the Commission recommends that

- The TSRTC management will investigate the matter by issuing a charge sheet to the Assistant Manager(T), RNG-II, Depot in light of the petitioner's complaint dated 21.05.2018 and will take punitive action against the guilty officer.
- The TSRTC management will review the penalty order. In this connection, the petitioner will submit an appeal before the Appellate Authority and the same will be considered in the positive manner by the Appellate Authority.
- The TSRTC management will consider to provide opportunity to hear petitioner's grievance in person.
- The TSRTC management will consider to grant leave to the officials/employees who attended the sitting along with the petitioner.
- An action taken report on the Commission's recommendations should be submitted to the Commission within 30 days on receipt of the procedure.


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NATIONAL COMMISSION FOR SCHEDULED TRIBES

Annexure

(File No. BR/2/2018/STGTL/SEHRMT/RU-IV)

List of participants

NCST

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

Officers of Transport Roads and Buildings, Govt. of Telangana

1. Shri. M. Ravindar, ED, Admin,
2. Shri G. Rama Kanth, Regional Manager/SD
3. Shri G. Baldev Kumar, Depot Manager

Petitioner

Shri B. Rajaiah