

Rajendra Prasad



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.RVT/2/2018/STGMH/SEHRMT/RU-IV

Dated: 20.02.2019

To

The Chairman cum-Managing Director
MAHAVITRAN,
Maharashtra State Electricity Distribution Co.Ltd.
Prakashgad, Plot No. G-9 Bandra (E),
Mumbai – 400 051

Sub: Proceedings of the Sitting taken by Smt. Maya Chintamn Ivate, Hon'ble Member, National Commission for Scheduled Tribes (NCST) on 22.01.2019 in the case of Shri Roshan Vasant Tekam, L.D.C., MSEDCL, Nagpur Maharashtra regarding harassment by Maharashtra State Electricity Distribution Co.Ltd.

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 (NCST) on the above mentioned subject for necessary action and submission of compliance report on the Commission's recommendations to this Commission within 15 days from the receipt of the letter for placing the same before the Hon'ble Member, NCST.

(Encl. 1. As above)

Copy to:

Shri Roshan Vasant Tekam,
Flat No. 404, Rajvaibhav complex,
Borgaon Chowk, Gorewada Road,
Nagpur – 440 013
(Maharashtra)

Yours faithfully,

(Y.K. Bansal)
Research Officer

NATIONAL COMMISSION FOR SCHEDULED TRIBES

PROCEEDINGS OF SITTING HELD IN THE COMMISSION 22-01-2019 UNDER THE CHAIRMANSHIP OF SMT.MAYA CHINTAMN IVNATE, HON'BLE MEMBER, NATIONAL COMMISSION FOR SCHEDULED TRIBES IN THE CASE OF SHRI ROSHAN VASANTH TEKAM, NAGPUR MAHARASHTRA REGARDING HARASSMENT BY MAHARASHTRA STATE ELECTRICITY COMPANY LTD.

F. No. RVT/2/2018/STGMH/SEHRMT/RU-IV

Date of Sitting : 22-01-2019

List of Participants is annexed.

Vide representation dated 01-04-2018, Shri Roshan Vasanth Tekam, Nagpur Maharashtra regarding harassment by Maharashtra State Electricity Company Ltd. has represented to the Commission that he is working as LDC w.e.f. 10-10-1995 to till date sincerely. Thereafter vide office order dated 21-9-2017, he was issued a charge sheet without any valid ground and false charges. He was also suspended from service. He has submitted all clarifications and documents for his innocence but the same was not taken into consideration and his suspension was not revoked.

2. As per procedure of the Commission, the matter was taken up with the Chairman and Managing Director, Mahavitrans, Maharashtra State Electricity Distribution Co. Ltd. Prakashgad, Bandra (E), Mumbai vide Commission's notice dated 04-07-2018 and reminder dated 20-8-2018 for report.

3. In response to the Commission's notice dated 04-07-2018 in the matter, the Chairman and Managing Director Maharashtra State Electricity Distribution Co. Ltd. has furnished a detail reply/report dated 05-09-2018 to the Commission. Since, the report was not convincing and therefore, Smt. Maya Chintaman Ivate Hon'ble Member, NCST held a sitting on 22-01-2019 in the case.

4. In sitting, Shri Dilip Ghugal, Chief Engineer, Nagpur Zone along with Shri Sandip Kene, Legal Advisor, Nagpur, Mahavitrans MSEDCL Ltd. appeared before the Commission on behalf of the CMD, Mahavitrans MSEDCL Ltd. The petitioner (Shri Roshan Vasant Tekam) was also present.

5. During the sitting, the Petitioner submitted to the Commission that he is working as LDC w.e.f. 10-10-1995 to till date sincerely. Thereafter, vide office order dated 21-9-2017 he was issued a charge sheet without any valid ground and false charges. He was also suspended from service. He has submitted all clarifications and documents for his innocence. However, his suspension was revoked on 24.08.2018. But, the authority concerned issued punishment order of withholding annual increment for a period of one year against him. Thus, he was discriminated and harassed. The petitioner requested for set aside the punishment.



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

6. Thereafter, Officer of Mahavitran, MSEDCL Ltd. explained about the case. They reported that Shri Roshan Vasant Tekam, LDC frequently remained absent from his duties without any prior intimation and therefore, important and scheduled work of monthly energy billing of the consumers got hampered. Being revenue related and important nature of works, the said works were carried out from other staff of the Sub-Division office in addition to their own assignments. Further, on dated 13-07-2017 during the visit of General Manager (F&A) of Regional Office MSEDCL Nagpur and his team at Mohpa Sub-Division Office for inspection of Billing related activities, the communication/dialogue of Shri Roshan Vasant Tekam was improper with the higher authorities.

The petitioner, Shri Roshan Vasant Tekam, LDC (A/C) was also absconding from his duties frequently this resulted in hampering of monthly billing works and increase in consumer complaints related to billing, causing loss of revenue to the Company. Executive Engineer, Katol Division being the Competent Authority vide order dated 26-07-2017 suspended Shri Roshan Vasant Tekam from his duties. Further Charge-sheet was issued to Shri Tekam by Executive Engineer Katol as per letter dated 25-04-2018. After appointing Enquiry Officer in this matter. Out of the total 8 charges levied against Shri Roshan Tekam are found to be proved. Show Cause Notice for imposing punishment of "Withholding of annual increment with cumulative effect for two years was issued to Shri Roshan Vasant Tekam. Competent Authority on receipt of the explanation from Shri Tekam took lenient view and final punishment order of "Withholding of annual increment with cumulative effect for one year and suspension period to be treated as punishment" is issued to Shri Tekam vide order dated 16-07-2018.

Now suspension of Shri Roshan Vasant Tekam has been revoked and he has been reinstated to the post of LDC. He has joined at Umred Division Office (present headquarter at Nagpur) on 24-08-2018.

After detail discussion, the Commission observed that no major fault/mistake was done by the petitioner. However, the Department has imposed major penalty against the petitioner i.e. "Withholding Annual increment with cumulative effect for one year and suspension period to be treated as punishment" which seems to be harsh to the Scheduled Tribe petitioner and is not commensurate in proportionality with the nature of misdemeanor. In addition, no financial irregularities were found against the petitioner in entire service period. Therefore the Commission's recommends that

- The CMD, MSEDCL should review the petitioner's penalty of withholding of annual increment with cumulative effect for one year and should consider to set aside the penalty in positive manner.
- Shri Roshan Vasant Tekam should be considered to be posted at Nagpur City.
- Shri Roshan Vasant Tekam should be posted in light working seat where no public dealing work.
- Action taken report on the recommendation of the proceedings in the matter should be furnished in this Commission within 15 days positively.



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

NATIONAL COMMISSION FOR SCHEDULED TRIBES

Annexure

(File No. RVT/2/2018/STGMH/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 Mahavitaran, Maharashtra Electricity Distribution Co. Ltd., Mumbai

1. Shri. Dilip S. Ghusal, Chief Engineer, Nagpur Zone
2. Shri Sandip N. Kene, Dy. Law Officer

Petitioner

Shri Roshan V Tekam