



Government of India
National Commission for Scheduled Tribes

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

File No. RD/1/2019/MCVL1/SEOTH//RU-III

Date: 15.03.2019

To,

Chairman and Managing Director,
Air India Limited
Airlines House, 113,
Gurudwara Rakabganj Road,
New Delhi - 110 001

Sub: Minutes of the Sitting taken by Ms. Anusuiya Uike, Hon'ble Vice Chairperson, NCST on 12.03.2019 on the issue of alleged discrimination and harassment by the Management of Air India.

Sir,

I am directed to enclose herewith a copy of Proceedings of the Sitting taken by Ms. Anusuiya Uikey, Hon'ble Vice -Chairperson of National Commission for Scheduled Tribes (NCST) on 12-03-2019 for information and necessary action.

It is, requested that action taken report in this regard may please be sent to the Commission within months' time.

Encl: As above

Yours faithfully,

(Dr. Lalit Latta) 15/3/2019
Director

Copy to:

1. Shri. Rahul Deore,
B-160, New Air India Colony,
Kalinga, Santacruz (E),
Mumbai (Maharashtra) -400029
2. SAS, NIC, NCST upload on the web site.

NATIONAL COMMISSION FOR SCHEDULED TRIBES

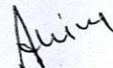
(File No. RD/1/2019/MCVL1/SEOTH/RU-III)

Proceedings of sitting held on 12.03.2019 at 3.00 pm chaired by Miss Anusuiya Uikey, Hon'ble vice chairperson, National Commission for Scheduled Tribes (NCST) in the matter of Shri Rahul D. Deore, Deputy Chief cabin crew, Air India, Mumbai regarding restoration in service

Date of sitting: 12.03.2019

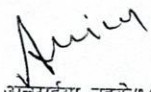
Attendance sheet: Annexure 1

1. The petitioner Shri Rahul D. Deore, Deputy Chief Cabin Crew, Mumbai vide his representation dated 25.01.2019 has represented that he is being discriminated and harassed by the management of Air India by violating the norms of natural justice.
2. The NCST has taken up the matter and discussed the grievances of the petitioner with the officers of Air India.
3. During the course of the discussion the Petitioner states following points :
 - a. Petitioner is a Cabin Crew working in Air India from past 12 years. During random routine check on 30.05.2017 on AI -144 Petitioner had declared 5000 United States Dollars (USD) to United States customs and border protection (USCBP).
 - b. Upon further checking of petitioner's bags an envelope with 10,000 USD was discovered and petitioner states that the said currency was not declared because he was unaware of its presence in his bag.
 - c. Petitioner further states that he was in need of money and borrowed USD 5,000 from his friend who is US citizen. Petitioner further states that he had not declared USD 10,000 as he was unaware that the money was put in his bag by the same friend with an intention to let him know once petitioner reaches Mumbai. Petitioner states that he had refused his friend's initial attempt of offering him USD 15,000 and borrowed only USD 5000.
 - d. Petitioner states that he had purchased goods for his parents and relatives with the help of his friend. Goods included medicinal tablets. As the goods were more than his permissible allowance, he was charged a penalty of Rs. 10,000 by Asst Commissioner of Customs, Mumbai. And he paid the penalty amount.
 - e. Petitioner states that when he approached Air India management and reported the incident, they refused to believe him. Petitioner states that he was assured by Air India officials that lenient view will be taken if petitioner accept the charges on paper like two other people who they have let go easily. Petitioner mentions about two major cases. One where an employee was held in Singapore for theft and his passport detained for 4/5 days and another case of smuggling of 35 gm gold.


शुष्मी अनुसुईया उइके/Miss Anusuiya Uikey
उपाध्यक्ष/Vice Chairperson
राष्ट्रीय अनुसूचित जनजाति आयोग
National Commission for Scheduled Tribes
नया दिल्ली/Govt. of India
नया दिल्ली/New Delhi

- f. Petitioner states that he has submitted necessary evidences. Air India issued a show cause with 'Removal from services' as proposed punishment. Petitioner states that allegations of smuggling of goods and currency are totally wrong.
 - g. The Petitioner states that in September 2018 he has submitted all the documents from his friend in support of his claim. The Petitioner states that the management has neither denied nor accepted the claim and he is suffering as the issue is pending for almost 22 months.
 - h. Petitioner states that nowhere on paper US govt. calls it an act of smuggling. And it is Air India official's presumption.
4. The Air India Officials stated that it's a case of smuggling. Petitioner allowance is Rs 1500 only and he brought goods more than permissible limit. Air India (CMD) stated that it is banned to bring in goods in commercial quantity. The goods included medicinal tablets and perfume bottles.
 5. Air India (DP) stated that petitioner not only had US currencies but some Saudi Riyals and other currencies too. To which petitioner mentioned about its declaration. Petitioner states that it is not a case of currency smuggling as the act of putting extra USD in his bag was done by his friend. Petitioner states that he has submitted all the documents of his friend from USA. Respondent (DP) states that they have terminated services of other people as well.
 6. During the hearing respondent stated that notice of removal is already served on 28.12.2018 to the petitioner, whereas Petitioner stated till date he has not received any letter of removal from Air India management. If so commission recommends, if it is not being served the said letter should be kept on hold and subsequently should be cancelled.
 7. After The Discussion the commission observes that 'Removal from Services' punishment awarded to petitioner is very harsh in nature.
 8. This commission has observed that the respondent's claim of alleged act of smuggling of currency (USA) and goods (Mumbai) by petitioner is not supported by any documentary evidence.
 9. The Commission has observed that the custody receipt/the seizure notice issued to petitioner by US Homeland Security Dept for the currencies and WAIVER OF SHOW CAUSE NOTICE issued by Deputy/Asst Commissioner of customs, Mumbai implies mere violation of rules and happens to be non-cognizable issue.
 10. The commission has taken the note of order No. B-51 (01)2006-RLC-PA dated 11.03.2008 of Shri A. K. Agarwal, Certifying Officer & RLC (C), Mumbai regarding CSO of Air India.
 11. The commission has taken the note of letter No. B-51 (M-1)/SOS/2016/B1 dated 30.03.2017 of Dr. S. Gunahari, Regional Labour Commissioner(C), Mumbai, submitted by petitioner in his representation dated 25.01.2019 This commission observes that issue was not addressed by respondent in their reply dated 11.03.2019
 12. The commission has observed and taken note of some major cases and respective punishments awarded in the past and the same was not incorporated in the case of ST petitioner.

Recommendations from the Commission hereby:

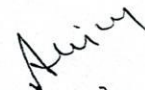

 सुश्री अनुसुईया उइके/Miss Anusuiya Uikey
 उपाध्यक्ष/Vice Chairperson
 राष्ट्रीय अनुसूचित जनजाति आयोग
 National Commission for Scheduled Tribes
 भारत सरकार/Govt. of India
 नई दिल्ली/New Delhi

To take on record the documents submitted by Petitioner and his friend from USA Mr. Yogesh Patil with respect to the currency, as this is an important evidence vindicating the petitioner of charge of currency smuggling. These documents should be taken on record without any further dispute.

The DOPT recommendations with respect to Scheduled Tribes to be honored in this case with immediate effect.

Considering all the above observations and the fact that the petitioner has past unblemished service record, the commission recommends to award minor punishment to petitioner and restore his services to the company at the earliest.

Action taken/compliance report on the Commission's recommendations should be furnished within 15 Days positively.


सुश्री अनुसुइया उइके/Miss Anusuiya Uikey
उपाध्यक्ष/Vice Chairperson
राष्ट्रीय अनुसूचित जनजाति आयोग
National Commission for Scheduled Tribes
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नई दिल्ली/New Delhi

NATIONAL COMMISSION FOR SCHEDULED TRIBES

(File No. RD/1/2019/MCVL1/SEOTH/RU-III)

Sub : Representation dated 25/01/2019 of Shri Rahul Deore, B- 160, New Air India Colony, Kalina, Santacruz (E) Mumbai (Maharashtra) Regarding alleged discrimination and harassment by the Management of Air India.

Attendance of participants in the Sitting held on **12/03/2019 at 03.00 PM** in the National Commission For Scheduled Tribe, HQ, New Delhi.

NATIONAL COMMISSION FOR SCHEDULED TRIBES

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|------------------------------|--------------------------|----------|
| 1. Ms. Anusuiya Uikey, | Hon'ble Vice-Chairperson | In chair |
| 2. A. k. Singh, | Secretary | |
| 3. Dr. Lalit Latta, | Director | |
| 4. Shree Gaurav kumar, | PS to Vs | |
| 5. Shree Alok Kumar Dwivedi, | Consultant | |

OFFICERS OF AIR INDIA

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|-----------------------|----------------|
| 1. Shree A. Lohani, | CMD, Air India |
| 2. Ms. Amrita Sharan, | Dir. (Per.) |

PETITIONER

- | | |
|----------------------|----------------------|
| 1. Shree Rahul Deore | Dy. Chief Cabin Crew |
|----------------------|----------------------|