



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)

SPEED POST

Case File No. KS/5/2018/MFIN9/SEHRMT/RU-IV

Dated: 13.08.2019

To,

The Chairman,
State Bank of India,
State Bank Bhawan,
Madam Cama Road,
Mumbai – 400 021
(Maharashtra)

Sub: Proceedings of the Sitting taken by Dr. Nand Kumar Sai, Hon'ble Chairperson, National Commission for Scheduled Tribes (NCST) on 08.07.2019 in the case of Shri K. Shankar, Assistant Manager, State Bank of India, RBO, Nalgonda regarding harassment.

Sir,

I am directed to enclose herewith a copy of the Proceedings of the Sitting held on 08.07.2019 under the Chairmanship of Dr. Nand Kumar Sai, Hon'ble Chairperson, 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 Chairperson, NCST.

Yours faithfully

(Signature)
(Y.K. Bansal)
Research Officer

Copy to:

Shri Katravath Shankar,
S/o Shri Deshya,
Singaram Pedda Thaanda,
Penimella (Post),
Achampet (Mandal),
Nagarkarnod (District),
Telangana State – 509 376.

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O/C

NATIONAL COMMISSION FOR SCHEDULED TRIBES

F. No. KS/5/2018/MFIN9/SEHRT/RU-IV

PROCEEDINGS OF SITTING HELD ON 08-07-2019 CHAIRED BY DR. NAND KUMAR SAI, HON'BLE CHAIRPERSON, NATIONAL COMMISSION FOR SCHEDULED TRIBES IN THE CASE OF SHRI K. SANKAR, ASSISTANT MANAGER, STATE BANK OF INDIA, RBO, NALGONDA REGARDING VIOLATION IN INQUIRY PROCEDURE IN SBI BY THE INQUIRY OFFICER, DISCIPLINARY AUTHORITY AND APPELLATE AUTHORITY.

Date of Sitting : 08-07-2019

List of Participants present in the sitting is annexed.

The petitioner Shri K. Sankar vide his representation dated 23.08.2018 has submitted the grievances of violation in inquiry procedure in SBI by the Inquiry Officer, Disciplinary Authority and Appellate Authority.

The petitioner has alleged that he was recruited to SBI as RMRO on 22.12.2008 and confirmed on 02.08.2010 as Scale I Officer, became due for promotions during August, 2015 (Scale-I) and next promotion during 2018 (Scale III). However, in the name of this false criminal case and charge sheet resulting in an illegal punishment, he suffers to continue in the Scale I and even after a minor penalty of stoppage of 2 increments for 2 years the entire suspension period of 14 months is treated as "Not Duty".

Earlier, he had renewed the loan sanctioned by his earlier officers and on that ground a Departmental Inquiry was initiated against him. During the inquiry he was not given opportunity to defend his case and he was not allowed to cross examination of the evidences. Finally, he was imposed punishment of withheld of increments. A criminal case was also registered against him. The petitioner requested the Commission to withdraw the false criminal case and restoration of withheld increments. The period of suspension may also be treated as Duty. An atrocity case may also be filed against the harassing higher officers.

He further represented that as per the Commission's recommendation made during the sitting held on 21.01.2019, he had submitted a review appeal against the punishment before the Bank management. But, his review appeal was rejected and the punishment was not set aside despite given due justification. He requested the Commission to re-intervene in the matter and grant justice to set aside the punishment and payment of due salary.

2. Earlier the Commission took up this matter and subsequently a sitting was held on 21.01.2019 in the Commission. The Commission recommended that the petitioner will submit a mercy petition (Memorial) against the punishment to the Appellate Authority (Chairman, SBI). The Chairman, SBI will consider the petitioner's memorial positively and will take corrective step to protect the interest of the Scheduled Tribe officer. The Commission's recommendations were also forwarded for submission of action taken report by the State Bank of India management on 31.01.2019. However, no action taken report was received.

3. As the action taken report on the Commission's recommendations is yet to be received and the petitioner represented that his review appeal was not considered as per the Commission's recommendations. Therefore, a sitting was fixed on 08.07.2019 in the Commission.
4. The Chairman, SBI was called for sitting. But he requested for exemption from his appearance before the Commission. However, in place of him, the General Manager, SBI Local Head Office, Hyderabad appeared. The petitioner was also present in the sitting.
5. As per schedule the sitting was held on 08.07.2019. In sitting the petitioner was stated that he was punished for the alleged transactions which were not proved during the Departmental inquiry and the Disciplinary Authority without verifying the records available had blindly awarded punishment of stoppage of two increments. Due to this punishment, he could not get promotion as Scale – II officer during the promotion exercise 2014-15 and next promotion in Scale – III officer during 2019-20. His appeal was also rejected without verifying the reports and documents submitted by him. As per Commission's recommendation, he had also submitted review petition and the same has been rejected.
6. The General Manager, SBI, Local Head Office, Hyderabad has submitted an action taken report in the matter and further informed that as per the Commission's recommendations the case was considered. Further, there is no provision for filing of mercy petition under SBI Officer Service Rule, 1992. However, the petitioner had an option to exercise is right for review of the order of the Appellate Authority within 6 months from the date of receipt of order, in this case within 29.06.2018 in terms of the aforesaid Rule. Accordingly, the petitioner was advised for submission of the review petition as against the order of the Appellate Authority with delay condonation as per the rule under State Bank of India Officers Service Rule, 1992. The petitioner has already submitted review petition against the order of Appellate Authority. They propose to place the review petition before the Reviewing Committee for their perusal.
7. The case was discussed in detail. The Commission observed that the irregularities to be happened on the part of the petitioner's side appears to be procedural lapses and there was no financial loss to the Bank. The petitioner was having sufficient documents to defend his case but the Disciplinary Authority and Appellate Authority did not verify the evidence/documents and imposed harsh punishment. The Commission also noted that due to punishment, the petitioner could not get his due promotion and he became junior. As per Bank's report the petitioner's review petition is pending for decision. Thus, the petitioner's case should be reviewed taking into consideration of his defence documents and evidence.
8. The Commission, therefore recommends that the Chairman, SBI will review the petitioner's case. His pending review appeal be decided favourably taking into consideration of the petitioner's defence documents so that he could get natural justice. The Bank management should also consider to release the petitioner's due promotion in Scale – II and Scale – III grade and it may be ensured that no injustice on caste ground be meted out against a Scheduled Tribe Officer.
9. An action taken report on the recommendation of the NCST should be submitted to the Commission within 30 days from the receipt of the proceedings.

NATIONAL COMMISSION FOR SCHEDULED TRIBES

Annexure

(File No. KS/5/2018/MFIN9/SEHRT/RU-IV)

List of participants

NCST

1. Shri Nand Kumar Sai, Hon'ble Chairperson (In chair)
2. Shri H.K. Damor, Hon'ble Member
3. Smt. Maya Chintamn Ivnate, Hon'ble Member
4. Shri S.K. Ratho, Joint Secretary
5. Shri Y.K. Bansal, Research Officer
6. Shri Sudhir Atram, PS to Member

Officers of State Bank of India

1. Shri U.N. Narayana Majya, General Manager, SBI, Local Head Office, Hyderabad.
2. Dr. Yogesh Bharsat, Assistant Secretary, MoTA
3. Shri Chandrakant Verma, Asst. Secretary, MoTA

Petitioner

Shri K. Shankar