

Speed post



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)

File No. RVS/1/2019/STGAP/SEOTH/RU-IV

Dated: 25.10.2019

To,

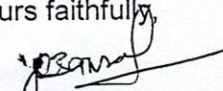
1. **The Principal Secretary,**  
Social Welfare Department,  
Government of Andhra Pradesh,  
Velagapudi, Amaravati- 522503,  
Guntur – District  
(Andhra Pradesh).
2. **The Commissioner,**  
Social Welfare Department,  
Government of Andhra Pradesh,  
Velagapudi, Amaravati- 522503,  
Guntur – District  
(Andhra Pradesh).
3. **The District Collector,**  
District – West Godavari,  
Andhra Pradesh.

**Sub:** Proceedings of the sitting taken by Smt. Maya Chintamn Ivate, Hon'ble Member, National Commission for Scheduled Tribes (NCST) on 26.09.2019 in the matter of Shri R.V. Srinivasu, Hostel Welfare Officer, O/o Deputy Director, Social Welfare Department, West Godavari District, Eluru, AP.

Sir,

I am directed to enclose herewith a copy of the Proceedings of the Sitting held on 26.09.2019 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 R.V. Srinivasu,  
Dr. No. 43-122-20,  
Ajit Singh Nagar,  
Vijayawada, Krishna District,  
Andhra Pradesh.

*8175-7A*  
*20/10/19*  
*जारा किया*  
*O/C*  
*Copy for information & upload on NCST website -*  
*NIC, NCST*

NATIONAL COMMISSION FOR SCHEDULED TRIBES

Case File No. RVS/1/2019/STGAP/SEOTH/RU-IV

PROCEEDINGS OF SITTING HELD ON 26.09.2019 CHAIRED BY SMT. MAYA CHINTAMN IVNATE, HON'BLE MEMBER, NATIONAL COMMISSION FOR SCHEDULED TRIBES (NCST) IN THE CASE OF SHRI R.V. SRINIVASU, HOSTEL WELFARE OFFICER, O/O DEPUTY DIRECTOR, SOCIAL WELFARE DEPARTMENT, EAST GODAVARI DISTRICT, ELURU, AP REGARDING HARASSMENT.

Date of sitting: 26.09.2019

List of officers present in sitting is Annexed

The petitioner R.V. Srinivasu had represented before the Commission that he was working as Hostel Welfare Officer Grade-I w.e.f. 24.02.2007. While working as Hostel Welfare Officer at Govt. SW Boys Hostel, Undi, he was placed under suspension vide suspension proceedings dated 02.4.2016 on the allegations that a hostel boy was died in an accident while returning from home to Hostel and to which there was negligence on part of him. Against the suspension order, he approached Hon'ble A.P.A.T vide O.A. No. 1355/2016 and the Hon'ble Tribunal had set aside suspension proceedings vide order dated 30.09.2016. The Hon'ble Court has also ruled that there is no negligence on the petitioner's part with regard to death of a Hostel student. Before the judgment of Hon'ble APAT, the Department issued a charge sheet framing one charge of negligence in the death of Hostel student on 11.05.2016, which was replied by him on 07.06.2016 denying the alleged charge in toto and requested to drop further action in the matter. However, three Enquiry Officers were appointed into the matter and third Enquiry Officer who had visited other Hostel instead of incidence place/hostel submitted a false report to the District Collector. In turn, the District Collector passed final order on 05.08.2017 imposing a major penalty of dismissal from service. Being aggrieved, the District Collector's order, he again approached Hon'ble APAT in OA No. 2398/2017 and the Hon'ble Court has set aside the said punishment order. Accordingly, he was reinstated on 17.01.2018 with a posting at SW, Eluru.

The Department once again appointed another Enquiry Officer to re-conduct the enquiry into the earlier charges of negligence in duty which was set aside by the Hon'ble Tribunal. The Enquiry Officer did not conduct enquiry and he submitted enquiry report wherein holding that there is a gross negligence in discharge of official duties and initiate Departmental enquiry. Thus, for the charges decided by the Court, the Department is harassing by way of initiating Departmental enquiry repeatedly. The order dated 05.08.2017 passed by the District Collector has not been withdrawn, despite, Hon'ble APAT order dated 30.09.2016 and 21.09.2017. The Department has also denied his due promotion.



श्रीमती माया चिंतामण ईवनारो  
Smt. Maya Chintamn Ivnate  
सदस्य / Member  
राष्ट्रीय अनुसूचित जनजाति आयोग  
National Commission for Scheduled Tribes  
भारत सरकार / Govt. of India  
नई दिल्ली / New Delhi

2. NCST vide its notice dated 25.01.2019 sought a report from the Principal Secretary, Social Welfare Department, Govt. of Andhra Pradesh, Commissioner, Social Welfare Department, Govt. of Andhra Pradesh and District Collector, West Godavari.

3. The District Collector, West Godavari has reported in the case that the petitioner's allegations were investigated. The sub-Collector, Narsapur has submitted a report that one boy namely S. Yesu Dasu of S.W. Hostel, . Undi died in an accident while returning from home on 02.04.2016 outside the hostel i.e. Pallerwada Village of Kaikalru Mandal, Krishna District. At the time of incident, the petitioner was Hostel Welfare officer and he was responsible to care of the students. There after the District Collector, West Godavari issued suspension order dated 02.04.2016 against the petitioner Shri R.V. Srinivasu for his negligence. Aggrieved with the said suspension proceedings the petitioner approached the Hon'ble APAT and filed OA No. 1355/2016. The Hon'ble APAT in its judgment dated 03.10.2016 set aside the said suspension proceedings and found that there is no negligence on the part of the petitioner. Again the petitioner approached the Hon'ble APAT, Hyderabad and filed OA No. 2398 of 2017 with a prayer to reinstate into service. The Hon'ble Court in its order dated 21.09.2017 directed the Department to reinstatement the services of the petitioner Shri R.V. Srinivasu. However, the respondents have not precluded from conducting enquiry as per rules. Accordingly, the petitioner was reinstated and posted as HWO (on Special Duty) in the office of the Deputy Director, Social Welfare, West Godavari, Eluru vide order dated – 01.2018. The enquiry has also been initiated against him. The Sub-Collector, Narsapur was appointed as Enquiry Officer into the matter. During the enquiry, all the witnesses and officials present in the incidence place were got examined. The father of deceased boy was also enquired. The petitioner has also given opportunity to produce the defence documents. The Enquiry Officer concluded that the accident was occurred outside the Hostel premises and the death was not occurred due to negligence. However, a minor penalty not having any system in actions of Hostel Welfare Officer could be imposed. But, the District Collector, West Godavari passed order of dismissal from service, which was set aside by the Hon'ble APAT vide order dated 21.09.2017.

Presently, the disciplinary proceedings were not concluded and the case is still under investigation. Regarding promotion, the petitioner has filed OA No. 1309/2017 before the Hon'ble APAT, Hyderabad for promotion to SWO. However, the seniority list is being prepared and as and when the petitioner's name reached under the zone of consideration, his case will be considered for promotion.

4. As the Department's report was found to be unsatisfactory and therefore, Smt. Maya Chintamn Ivate, Hon'ble Member, NCST fixed a sitting on 26.09.2019 to have a discussion in the case with the District Collector, West Godavari, Principal Secretary and Commissioner, Social Welfare Department, Govt. of AP.



श्रीमती माया चिंतमण ईवनाते  
Smt. Maya Chintamn Ivate  
सदस्य / Member  
राष्ट्रीय अनुसूचित जनजाति आयोग  
National Commission for Scheduled Tribes  
भारत सरकार / Govt. of India  
नई दिल्ली / New Delhi

5. In sitting, the District Collector, West Godavari appeared. The petitioner was also present. However, no officers from Principal Secretary, Social Welfare and Commissioner, Social Welfare, AP were present.


6. During the sitting, the petitioner has raised the grievances of his harassment by initiating Departmental enquiry despite not found guilty of negligence and set aside orders of suspension and dismissal by the Hon'ble APAT, non regularization of suspension period and denial of promotion.

The District Collector, West Godavari has reported to the Commission that the petitioner has been reinstated into service. The previous District Collector has already passed its order and therefore, the present District Collector is not competent authority to pass any order against the order passed by the previous District Collector. Moreover, the Appointing Authority and Competent Authority in the petitioner's case is Director, Social Welfare and Commissioner, Social Welfare, AP. Hence, the petitioner can file an appeal before the competent authority for their grievances.

7. The case was discussed in detail. The Commission observed that the petitioner was unnecessarily harassed without any fault. The petitioner's reinstatement matter was also settled after approaching by him before Hon'ble APAT twice in 2016 and 2017. The Hon'ble Court has also decided that there was no negligence on the part of the petitioner with regard to death of said S. Yesudasu. But, his suspension period was not regularized and enquiry was not dropped. His promotion was also withheld. The Commission recommends that the Principal Secretary, Social Welfare, the Commissioner, Social Welfare and Director, Social Welfare, Govt. of Andhra Pradesh who are the competent authority in the case should review whole matter and take immediate action to regularize the suspension period of the petitioner with concluding the departmental proceedings in favour of the petitioner. His promotion for the next grade should also be considered. At the same time, the petitioner is advised to submit an appeal before the competent authority in Social Welfare Department against regularization of suspension period and dropping of departmental proceedings. The action taken report on the Commission's recommendation be submitted within 30 days from the receipt of the proceedings.

8. In the next sitting, the Principal Secretary, Social Welfare, the Commissioner, Social Welfare and Director, Social Welfare, Govt. of Andhra Pradesh may be called with complete action taken.

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श्रीमती माया चिंतामण इन्नते  
Smt. Maya Chintamni Innate  
सदस्य / Member  
राष्ट्रीय अनुसूचित जनजाति आयोग  
National Commission for Scheduled Tribes  
भारत सरकार / Government of India

**NATIONAL COMMISSION FOR SCHEDULED TRIBES**

Case File No. RVS/1/2019/STGAP/SEOTH/RU-IV

**List of participants**

**NCST**

1. Smt. Maya Chintamn Inate(In chair)
2. Shri P.T Jameskutty, Consultant
3. Shri Y.K. Bansal, Research Officer
4. Shri H.R. Meena, Sr. Investigator
5. Shri Sudhir Atram, PS to Member

**Officers of Government of Andhra Pradesh and District West Godavari**

Shri R. Mutyala Raju, Collector, West Godavari

**Petitioner**

Shri R.V. Srinivasu