



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

File No. BCN/12/2016/STGAP/SEOTH/RU-IV

Dated: 21.01.2020

To,

The Vice-Chairman & Managing Director,
Andhra Pradesh State Road Transport,
RTC Bus Bhavan,
Vijayawada (Andhra Pradesh).

Sub: Proceedings of the sitting taken by Hon'ble Chairperson, National Commission for Scheduled Tribes (NCST) on 24.12.2019 in the case of Shri Chekre Naik, All India Central/PSU & State Govt. ST EWA, Hyderabad regarding harassment of Shri B. Gopal Naik, Conductor by way of denying him the post of ADC/BC under ST quota by APSRTC authorities.

Sir,

I am directed to enclose herewith a copy of the Proceedings of the Sitting held on 24.12.2019 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:-

1. Shri B. Chekre Naik,
General Secretary,
All India Central/PSUs & State Govt.
ST Employees Welfare Assn.
Flat No. 204, Excellent Enclave,
Near NTR Bus Stop,
Yanamala Kuduru, Vijayawada – 520007.

2. Shri Gopal Naik,
Conductor, APSRTC,
Kadiri Depot.,
Anathapuramu District,
Andhra Pradesh.

NATIONAL COMMISSION FOR SCHEDULED TRIBES

F. No. BCN/12/2016/STGAP/SEOTH/RU-IV

PROCEEDINGS OF SITTING HELD ON 24.12.2019 CHAIRED BY DR NAND KUMAR SAI, HON'BLE CHAIRPERSON, NATIONAL COMMISSION FOR SCHEDULED TRIBES IN THE CASE OF REPRESENTATION OF SHRI B. CHEKRE NAIK, GENERAL SECRETARY, ALL INDIA CENTRAL/PSUS AND STATE GOVERNMENT S.T. EMPLOYEES WELFARE ASSOCIATION, HYDERABAD, TELANGANA REGARDING HARASSMENT OF SHRI B. GOPAL NAIK, EX- CONDUCTOR, APSRTC, BY WAY OF DENYING HIM THE POST OF ADC/BC UNDER ST QUOTA BY APSRTC AUTHORITIES.

Date of Sitting : 24.12.2019

List of Participants present in the sitting is annexed.

The petitioner Shri B. Chekre Naik, Hyderabad has submitted the grievances of Shri B. Gopal Naik, Ex-Driver Grade-II declared medically unfit for providing alternate appointment as clerical post instead of Shramik post, with protection of pay and further promotion. It has been alleged that Shri B. Gopal Naik was declared medically unfit. After intervention of the Commission, he was given the post of Shramik, but his pay was not protected as he was drawing pay of Rs. 21,680/- and the same was reduced to Rs. 21,300/- which is against the law of the land as per the Section 45 of the Persons with Disabilities Act, 1995. In addition, his promotion to the next post has not been considered. The APSRTC has also given benefit of promotion to one medically unfit employee namely Shri Ramanna. Hence, he was discriminated in the matter of promotion.

2. Earlier a sitting was held in the case on 08.09.2017 in the Commission. The Commission recommended that the APSRTC will give equivalent post and consequential benefit to the petitioner.

3. In compliance with the Commission's recommendations, the APSRTC has submitted an action taken report and it has been informed that the Commission's recommendations have been complied with and the petitioner Shri B. Gopal Naik, Driver who was declared medically unfit to the post of Driver on 10.05.2016, provided alternative employment as Shramik duly protecting his pay which was drawing as Driver.

4. The Commission examined the APSRTC's report vis-à-vis the grievance of the petitioner. A sitting was held on 24.12.2019 in the Commission wherein the Regional Manager, APSRTC, Ananthapuram and the Deputy Chief Personal Officer, RTC House, Vijayawada appeared. Exemption request was received in the Commission from Vice-Chairman and Managing Director, APSRTC. The petitioners were also present.

5. In the sitting, the petitioner Shri B. Chekre Naik and Shri Gopal Naik has informed the Commission that Shri B. Gopal Naik, Driver, who is suffering from slip disk (back pain), was declared medically unfit. The Medical Officer in its Medical report has also advised to give lightweight work to the applicant. However, after intervention of the Hon'ble NCST, the APSRTC Management has given the post of Shramik to the applicant. But his pay was not protected as per Government's orders. His promotion to the next post has also been denied. The petitioner further

DR. NAND KUMAR SAI, Chairman

Member (Chairperson)

Member (Member)

Member (Member)

Member (Member)

Member (Member)

Member (Member)

informed that the APSRTC has given benefit of promotion to one medically unfit employee namely Shri Ramanna with protection of pay. In addition, the duty of Shramik post carry heavy load of machinery and equipment of motor parts. The Department has instances of providing clerical job to the medically unfit employee. Hence, the APSRTC authorities be directed to provide suitable post instead of Shramik post along with pay protection of Driver post and promotion.

6. The General Manager, APSRTC has apprised the facts of the case and informed that as per Commission's recommendations, the petitioner's grievances have been resolved by way of providing him alternate post and protecting his pay. However, the issue of providing post of clerical cadre or any other suitable post instead of Shramik post, promotion in further grade and pay protection as raised by him will be re-examined in positive way and the petitioner's grievances will be resolved. In this regard the petitioner may be advised to submit a representation to the Company management for consideration.

7. The case was discussed in detail. The Commission recommends that the APSRTC management will review the matter and will take affirmative action on all the petitioner's grievances i.e. providing of clerical post or any other suitable post instead of Shramik post, promotion to the next higher cadre and pay protection to Shri B. Gopal Naik. The APSRTC management may also consider to provide TA/DA and Special Leave for attending the sitting in the Commission to Shri B. Gopal Naik and to submit of action taken report to the Commission within 30 days. The Commission also advise the petitioner to submit a detailed representation on his grievances to the APSRTC management for consideration.

16.01.2020
 डॉ. नन्द कुमार साय/DR. Nand Kumar Sai
 अध्यक्ष/Chairperson
 राष्ट्रीय अनुसूचित जनजाति आयोग
 National Commission for Scheduled Tribes
 भारत सरकार/Govt. of India
 नई दिल्ली/New Delhi

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Speed Post

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Annexure

(File No. BCN/12/2016/STGAP/SEOTH/RU-IV)

List of participants

NCST

1. Dr. Nand Kumar Sai, Hon'ble Chairperson (In chair)
2. Shri Hari Krishna Damor, Hon'ble Member
3. Shri A.K. Singh, Secretary
4. Shri K. Touthang, Joint Secretary
5. Dr. Lalit Latta, Director
6. Shri Y.K. Bansal, Research Officer
7. Shri H.R. Meena, Sr. Investigator

Officers of APSRTC

1. Shri T. Jithendranadh Reddy, Regional Manager, Anathapuram
2. Shri V. Sridhar, Dy. Chief Personnel Manager, RTC Houser, Vijayawada.

Petitioner

1. Shri B. Chekre Naik
2. Shri B. Gopal Naik