

National Commission for Scheduled Tribes

Proceedings of the hearing held in the case of Smt. Vinita Bhalavi on 28.05.2008 at 1100 hrs in the Chamber of Shri Maurice Kujur, Hon'ble Vice-Chairperson, National Commission for Scheduled Tribes.

The following were present

NCST

1. Shri Maurice Kujur, Vice-Chairperson
2. Shri Aditya Mishra, Jt. Secretary
3. Shri R.C. Durga, Director
4. Shri R.P. Vasishtha, Dy. Secretary
5. Shri N. Balasubramanian, Research Officer

SBI

1. Shri S.M. Joshi, General Manager, LHO, Bhopal
2. Shri Ajit Jain, Assistant General Manager (Admn.), Jabalpur.
3. Shri A.T. Thorat, Assistant General Manager (Law), Bhopal
4. Shri D.P. Tamhare, Chief Manager (HR), Jabalpur.

PETITIONER

1. Smt. Vinita Bhalavi, Sr. Asstt., SBI, Seoni Branch, M.P.

ISSUE

Unjustified transfer of Smt. Vinita Bhalavi, Sr. Assistant, SBI, from Seoni to Lakhnadon and forced voluntary retirement.

BACKGROUND

A representation dated 22.11.2007 was received from Smt. Vinita Bhalavi regarding harassment by SBI authorities by transferring her from Seoni to Lakhnadon. She was relieved from her duties at Seoni Branch on 27.10.2007 on verbal order from Zonal Office, Jabalpur without indicating any reason. She has requested to get her unjust transfer cancelled on account of her domestic circumstances. The matter was taken up with CMD, SBI, H.O. Mumbai. It was intimated by the H.O. that Smt. Bhalavi has been transferred on Administrative ground on account of a complaint of misbehaviour with a customer and disobedience which was proved through the investigations carried out by Shri B.M. Baherwani, AGM, Zonal Office, Jabalpur.

2 A meeting was held on 25.02.2008 at 1200 hrs. in the chamber of Secretary, NCST. DGM, Zonal Office, Jabalpur was present in the meeting as GM, SBI was on leave. DGM intimated that Smt. Bhalavi has never approached him as Appellate Authority for reconsideration of the decision taken. He assured that appeal if made by the applicant against the transfer, will be sympathetically examined considering merits of the case. It was agreed in the meeting that Smt. Bhalavi may be advised

to make an appeal to DGM, SBI, Jabalpur for cancellation of her transfer order and posting at Seoni Branch on sympathetic considerations. Smt. Bhalavi accordingly submitted her appeal on 04.03.2008 on domestic grounds to DGM, SBI, Jabalpur requesting for cancellation of her transfer order and accordingly, posting at Seoni Branch on sympathetic considerations. In spite of the appeal SBI has issued notice on 05.05.2008 to Smt. Bhalavi for unauthorized absence for more than three months, and mentioning that the Bank has presumed that Smt. Bhalavi has voluntarily retired from the service w.e.f. 05.05.2008.

DISCUSSION

3 It was intimated by the Bank Officials that Smt. Bhalavi is absenting unauthorizedly since her release on 27.10.2007 from Seoni Branch. Moreover, she is not accepting any official document from the Bank. It was also intimated that her behaviour towards customers was rude. The Commission noted that the the position presented by the SBI authorities regarding the background for transfer of Smt. Bhalavi was different from the position indicated by Smt. Bhalavi in her representation.

4 The Commission was informed that action for transfer of Smt. Bhalavi was taken after detailed inquiry and investigation on the basis of complaint from a customer viz; Mr. Naresh Sevlani owner of M/s Nitin Sales Corporation. It was noted that the alleged incident of refusal to accept the cash by Smt. Bhalavi occurred on 22.10.2007 and although the complaint, which was hand-written in six pages, was given to Regional Manager, SBI at Jabalpur on 23.10.2007, the inquiry at Seoni was also conducted on 23.10.2007 by the Chief Manager, Regional Office, Jabalpur. It was also noted that the complaint was not made by Mr. Naresh Sevlani but by his son Nitin Sevlani. It was felt that such a haste in making an investigation into a complaint on the date of receipt of complaint, received at a station far away from the station of incident/ inquiry gave rise to doubts that the complaint was perhaps motivated and course of action was pre-planned. The Commission also noted that the report of the Investigating Officer mentioned that he had advised for change in cash handling arrangement in Seoni Branch, and accordingly orders were also issued to this effect on 23.10.2007 to which Shri Naresh Sevlani also agreed and showed his satisfaction, however, he insisted that proper action should be taken against Smt. Bhalavi so that she learns a lesson. In this background the Commission felt that the harsh step of transferring Smt. Bhalavi was taken on the insistence of the customer for teaching a lesson to Smt. Bhalavi while ignoring the general interest of the organisation and also ignoring the facts that came into light during the investigation.

5 On the basis of the petitions and the documents submitted by Smt. Bhalavi, the Commission noted that the complainant, who appeared to be well-acquainted with the Chief Manager, Regional Manager, AGM as well as DGM had tried to exploit his relationship to the detriment of Smt. Bhalavi who had rendered more than 17 year of unblemished service in the Bank. It was also noted that the customer insisted Smt. Bhalavi to go against the official system and receive cash from him even as she was on Govt. Receipt Counter, did not agree to her advice for depositing the cash at any other counter and yet she accepted the cash from him

later when Govt. receipt work was over. This claim of Smt. Bhalavi could be verified by checking from the Computer record of transactions against the Computer ID of Smt. Bhalavi. The Commission felt that these facts called for immediate review of the Bank's decision for transferring her from Seoni on the basis of a minor issue which was exploited by the vested interests.

6 As regard the issue of notice of unauthorized absence of Smt. Bhalavi and her deemed voluntary retirement from service, the Bank authorities stated that Smt. Bhalavi was not under communication with the Bank (in spite of her appeal letter dated 04.03.2008) and referred to a circular based on Eighth Bipartite Settlement on Wage Revision & Other Service Conditions for Workmen Staff of SBI. On perusal of this circular, it was found that action has been taken as per provision under para 33 of the circular of settlement. The Commission noted that according to this para, a final notice should have been issued stating that the name of the employee shall be struck down from the rolls of establishment after 30 days, deeming that he/ she has voluntarily vacated his/ her appointment. This notice should be issued after issuing three consecutive notices valid for 30 days duration each, after initial absence of the employee from the work for 90 days or more. As per this agreement, the final notice again allows a time of 30 days to the employee from the date of issue, but the order dated 05.05.2008 mentioned that Smt. Bhalavi is deemed to have voluntarily retired w.e.f. 05.05.2008 and not from the date, 30 days after issue of notice.

RECOMMENDATION

7. In view of the fact that the investigation of the complaint needs a thorough review taking into consideration the position stated in para 4, 5, & 6 and the fact that (i) the notice for unauthorized absence and deemed voluntary retirement was issued despite the appeal dated 04.03.2008 submitted by Smt. Bhalavi on the basis of discussion held in the Commission on 25.02.2008 (ii) the notice did not give 30 days time to respond by the employee and further that (iii) two earlier notices stated to have been sent had not reached Smt. Bhalavi, the Commission strongly feels that the entire gamut of action taken by the Bank authorities needs to be looked afresh. Apparently, the manner in which the case has been processed requires investigation, as background of the case on the basis of which transfer was ordered, the haste with which bank officials subsequently proceeded to take action against Smt. Bhalavi, including serving notice for her voluntary retirement without proper regards to the facts of the case and also observations of the Commission, raises questions about handling of the case in a justifiable manner. GM, SBI, LHO, Bhopal agreed to reconsider the entire matter including the appeal filed by Smt. Bhalavi for cancellation of the order transferring her to Lakhnadon, having regard to her family circumstances, and withdrawal of the order dated 05.05.2008 and inform the Commission within 15 days.

Minutes of the meeting of Secretary, NCST with DGM, SBI, Jabalpur on 25.02.2008 at 1200 hrs in his chamber

The following were present :

NCST

6. Shri Wilfred Lakra, Secretary
7. Shri Aditya Mishra, Jt. Secretary
8. Shri Vinod Aggarwal, Director
9. Shri R.P. Vasishtha, Dy. Secretary
10. Shri N. Balasubramanian, Research Officer

SBI

5. Shri C.P. Singh, Dy. General Manager,
6. Shri Ajit Jain, Assistant General Manager (OPS),
7. Shri D.P. Tamhare, Chief Manager (HR)
8. Shri Thorat, Assistant General Manager (Loan)

ISSUE

Unjustified transfer of Smt. Vinita Bhalavi, Sr. Assistant, SBI, Seoni Branch, MP from Seoni to Lakhnadon.

BACKGROUND

A representation dated 22.11.2007 was received from Smt. Vinita Bhalavi regarding harassment by SBI authorities by transferring her from Seoni to Lakhnadon. She was relieved from her duties at Seoni Branch on 27.10.2007 on verbal order from Zonal Office, Jabalpur without indicating any reason. She has requested to get her unjust transfer cancelled on account of her domestic circumstances. The matter was taken up with CMD, SBI, Mumbai. It was intimated by them that Smt. Bhalavi has been transferred on Administrative ground on account of complaints of misbehaviour with the customers and disobedience which was proved through the investigations carried out by Shri B.M. Baherwani, AGM, Zonal Office, Jabalpur.

As desired by Hon'ble Chairperson, meeting was scheduled on 25.02.2008 at 1200 hrs. in her chamber with CMD, SBI alongwith GM, SBI, Bhopal. CGM, SBI intimated that as GM is on leave, DGM, Jabalpur who is administratively controlling the Seoni Branch will be attending the discussion. As the Chairperson was on official tour, the discussions were held in the chamber of Secretary, NCST.

DISCUSSION

It was intimated by the Bank Officials that Smt. Bhalavi is absenting unauthorizedly since her release on 27.10.2007 from Seoni Branch.

Moreover, she is not accepting any official document from the Bank. It was also intimated that her behaviour towards customers was rude. A report from Branch Manager was also shown to the Commission wherein it was mentioned that he tried to resolve the issue at his level but Smt. Bhalavi was adamant.

The Commission noted that the position indicated by Smt. Bhalavi in her representation was contradicting to the position presented by the SBI authorities. However, since, Smt. Bhalavi could not present herself before the Commission, the actual facts cannot be ascertained.

DGM also intimated that she has never approached him as Appellate Authority for reconsideration of the decision taken. He assured that appeal if made by the applicant against the transfer, will be sympathetically examined considering merits of the case.

The Commission observed that Smt. Bhalavi should not have been transferred to a distant Branch as she has to look after her in-laws and young children.

DECISION

It was decided to advise Smt. Bhalavi to make an appeal to DGM, SBI, Jabalpur for her transfer back to Seoni Branch on sympathetic considerations.