Proceedings of the hearing held in the NCST on 02.07.2009 at 11.30 A.M to discuss the case of transfer of Shri S.K. Dhanka, Asst. Manager, Central Bank of India from Bikaner to Delhi.

The following were present:

NCST

1. Shri Maurice Kujur, Hon'ble Vice-Chairperson (in Chair)
2. Shri Aditya Mishra, Joint Secretary
3. Shri R.C. Durga, Director
4. Shri R.P. Vasishtha, Deputy Secretary
5. Mrs. K.D. Bhansor, Deputy Director
6. N. Balasubramanian, Research Officer

Central Bank of India

1. Shri Ramnath Pradeep, Executive Director, Mumbai
2. Shri B.N.S. Ratnakar, GM, Zonal Office, Delhi.

Petitioners:

1. Mrs. Prem Rani
2. Shri S.K. Dhanka

Issue: The case of transfer of Shri S.K. Dhanka, Asst. Manager, Central Bank of India from Bikaner to Delhi.

Background

A representation dated 16.07.07 was received from Smt. Prem Rani W/o Shri S.K. Dhanka against the transfer of her husband Shri. S.K. Dhanka, Assistant Manager, Central Bank of India from Bikaner to Delhi. She requested that her husband who was transferred to Bikaner in May, 07 may be posted back to Delhi as she is a working woman (employee of OICL) and there is no other person to look after her family consisting of two school going children and her ailing mother who was suffering from cancer. She also mentioned that some other Officers who were transferred out of Delhi alongwith her husband had been brought back to Delhi but the request of her husband had not been acceded to.

The case was taken up with the Bank and it was informed vide letter, dated 13.10.2007 that Shri. Dhanka joined the Bank at Delhi on 27.06.1983 and retained at Delhi

itself on promotion to Scale-I (in 1992) and remained there till 26.05.07, when he joined at Bikaner under rotational transfer policy. Any discrimination against Shri. Dhanka was denied by the Bank.

The reply of the Bank was communicated to Shri. Dhanka through his wife. Shri. Dhanka strongly refuted the reply of the Bank stating that the statement of the Bank that he joined at Delhi on 27/06/1983 was false as he had joined the service of the Bank at Lucknow on 27/06/83 and thereafter he worked at Basti upto 1988 before being posted at Delhi. He requested for transfer back to Delhi taking into account the fact that his wife was employed at Delhi and his family circumstances require his presence in Delhi. The All India General Insurance Employees Welfare Association also strongly recommended the request of Smt. Prem Rani, an employee of OICL, for the transfer of her husband to Delhi.

Taking into account the rejoinder of Shri. Dhanka refuting the facts given in the reply from the Bank, the CMD, Central Bank of India was called for a hearing on 21.10.2008. However, a letter was received from the Bank on 16.10.08 requesting for exemption of CMD from personal appearance. The case was then discussed by GM (HRD) of the Bank who visited the Commission on 20.10.2008. He explained the stand of the Bank that the transfer of Shri Dhanka from Delhi to Bikaner was effected as per the transfer policy of the Bank and that his request for posting back to Delhi would be considered only after he completes minimum stay of 3 years at Bikaner in May, 2010. Commission was also infomred that deviation from the transfer policy was not possible except in some special cases like adjustment of persons appointed against Sports quota. It was then mentioned by JS (NCST) that the wife of Shri Dhanka was also a working woman (an employee of the Oriental Insurance Company) at Delhi and was facing great difficulty in managing her family consisting of two school going-children and ailing mother. He also invited attention towards Govt. instructions to post husband and wife at the same station, issued vide DoPT OM No. 28034/7/86-Estt (A), dated 03/04/1986 and re-iterated in OM No. 28034/2/97-Estt. (A), dated 12-06-1997. Taking into account these facts, GM(HRD) agreed to consider the possibility of posting Shri. Dhanka at a nearby place in Jaipur Region. He stated that the Commission would be informed of the position in this regard.

The matter was further discussed by the Hon'ble VC on 11.11.2008 with the GM(HRD), CBI who stated "that the promotion process for promotion to Scale-1 is likely to be completed by end of December,2008 and the Bank would be able to accommodate Shri Dhanka in Delhi depending upon the availability of vacancy in any of the Bank Branch in

Delhi." The Central Bank of India promoted Shri Dhanka to Scale-II on 04.05.09 and instead of fulfilling the assurance given by the GM(HR) to Commission during the meeting on 11.11.2008, Shri Dhanka was posted to Kolkata Zone. On receipt of further representations, the Bank was advised by the Commission to post Shri Dhanka in Delhi.

As the Bank authorities did not fulfill the assurance given to the Commission in the meeting held on 11.11.2008, the Hon'ble Vice-Chairperson, NCST fixed a hearing in the case on 02.07.2009.

Discussion

Initiating the discussion, it was pointed out on behalf of the Commission that the Bank had not complied with the assurance given to the Commission that Shri Dhanka would be accommodated in Delhi at the time of promotion exercise. The Executive Director of the Bank said that Shri S.K. Dhanka had not represented to the Bank about his domestic problems and about the fact that his wife was working at Delhi. He further mentioned that the representations were received in the Bank through NCST and that too from Smt. Prem Rani, wife of Shri Dhanka. The Executive Director pointed out that as per rules Shri Dhanka should have himself submitted the representations. He further informed that the Bank had transferred Shri Dhanka to Delhi as a Scale-I officer.

The petitioner explained that he had been representing at various levels in the Bank explaining his domestic problems of serious illness of mother and son which require his presence in Delhi. The fact that his wife was a working woman in Delhi was also duly explained in his representations. However, the Executive Director remained adamant in telling that Shri Dhanka has not submitted his representations to the Bank. It was only after copies of Shri Dhanka's representations, dated 18.05.2007, 16.07.2007 and 27.05.2009, addressed to the Bank authorities were placed for the perusal of Executive Director that he realized the mistake of not admitting the fact that Shri Dhanka had submitted representation to the Bank.

The Executive Director was told by the Commission that he had not shown due respect to the Commission which is a Constitutional Body by ignoring the assurances given to the Commission by the Bank in earlier hearings and unnecessarily raising the issue of non-submission of representations to the Bank by Shri Dhanka. It was noted that he was attending the meeting of the Commission without being properly updated on the status of representations, submitted by Shri Dhanka earlier to the Bank, which was not expected from a senior official representing the CMD of the Bank before the Commission.

The Executive Director tried to explain that he had great respect for the Commission and that he had transferred Shri Dhanka to Delhi before coming to the Commission for attending the hearing. He also assured the Commission that the case of Shri Dhanka for allowing him benefit of promotion to Scale-II in Delhi will be processed as a special case. He requested for a month's time for this exercise.

Conclusion/Recommendations

The Hon'ble Vice-Chairperson, observed that the STs are simple, shy and sensitive people and it was the duty of the Bank to take cognizance of their grievances and apply the rules to help them to the extent possible. Higher officers should not throw the responsibility of dealing with STs to the junior level officers. He stressed the need of an effective grievance redressal mechanism with full participation of ST employees through their representatives.

The Commission recommended that the promotion orders of Shri Dhanka to Scale – II should be issued within a month allowing him promotion in Delhi itself.