

**Proceedings of the hearing held in the NCST on 10.11.2009 at 11.30 A.M. to discuss the case of Shri Jai Mal Meena, Dy. Manager, OICL, Jaipur regarding posting as Divisional Manger/Deputy Manager (Development).**

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. Smt. K.D. Bhansor, Deputy Director
6. Shri N. Balasubramanian, Research Officer
7. Shri K.C. Behera, PS to Vice-Chairperson

**OICL**

1. Shri M. Ramadoss, CMD
2. Shri P. Mahajan, DGM
3. Shri Satvir Singh, Liaison Officer.
4. Shri Hemal, AO

**Petitioner:**

1. Shri J.M. Meena, Dy. Manager, OICL, Jaipur

**Issue: Representation of Shri J.M. Meena for posting as Divisional Manger/Deputy Manager (Development).**

**Background**

Shri Jai Mal Meena, Dy. Manager, OICL, Jaipur represented to the NCST, Regional Office, Jaipur on 15.09.2006 regarding posting him on the post of Divisional Manager/Deputy Manager (Development) in the Oriental Insurance Company Limited. The NCST, Regional Office, Jaipur had taken up the matter with the CMD, OICL vide their letter number 5/3/Raj/8/106-RU dated 11.10.2006.

02. Shri Devi Singh, General Manager, OICL replied to Regional Office, Jaipur on 31.10.2006 that the candidature of an Officer for posting as Divisional/Branch Incharge was examined by a High Powered Committee for short listing candidates of the Region and further approved by two General Managers of Head Office. If an officer was empanelled for

the posting as Divisional/Branch Incharge subject to suitability he/she can be accommodated for posting as Divisional/Branch Incharge subject to suitable vacancy matching the profile of the officer and the Branch/Division (where the vacancy exists) with regard to the nature business handled by the office. It was further mentioned by OICL that for this purpose, the concerned Regional Office has to make appropriate recommendation to Head Office and in view of all these provisions the candidature of Shri Meena would be examined at an appropriate time as and when Shri Meena is recommended after due process of short listing by RO, OICL under whose jurisdiction Shri Meena was posted at that time. Shri Meena was informed of the position explained by OICL.

03. Shri Meena submitted a rejoinder dated 08.12.2006 to National Commission for Scheduled Tribes, RO, Jaipur. The matter was again taken up with the Chief Regional Manger, OICL, RO, Jaipur on 21.12.2006. In view of unsatisfactory response from the OICL Regional Office, Jaipur, the case was forwarded by NCST RO Jaipur to NCST Hqrs for consideration. The NCST Hqrs invited the comments of the DGM, OICL, RO on 22.02.2008. Shri D. Singh, GM, OICL replied on 31.03.2008 stating that Shri Meena's name appeared in the agreed list of Officers, who were required to be shifted to non-sensitive assignment and deprival of charge of any operation office. In this regard a rejoinder dated 21.05.2008 was received from Shri Meena stating that his name has not been included in agreed list in the OICL and the OICL has misinformed the NCST. Comments of OICL were called on the rejoinder. The General Manager, OICL reiterated the same position stated earlier.

04. As the matter remained unsettled for a long time, a hearing on 10.11.2009 was fixed by Hon'ble Vice-Chairperson. The CMD, OICL alongwith other officers appeared before the Commission.

Shri J.M. Meena was given opportunity to explain his case. Shri Meena informed that:

- Since the year 2000 he has not been allowed to work in the Marketing side and was therefore deprived of getting experience in the Marketing Division.
- he was transferred out of zone and out of Area.
- at OICL Branch, Behror, Alwar District he was working as Branch Officer.
- he was shifted from Behror Branch on the basis of a charge sheet, although he had been exonerated from the charges.
- OICL R.O. Jaipur had recommended his case to post him at Jaipur.

- 40 officers who were issued charge sheet and were stated to be in Agreed Lists have been placed on as and where basis, (A copy of the list of 40 officers was handed over to OICL to furnish details) with specific mention of name of Shri J.P. Meena, Jaipur. and Ashok Gupta-stationed at Alwar. .
- his good business performance and till he remained at Behrar i.e. upto Dec. 2004, has not been considered by the Management.

05. The CMD, OICL informed that OICL management has been taking action as per the rules and procedures. The position explained was as per the rules and regulations of the OICL. The Commission was also informed that Shri Meena had claimed for Hindi-Officer but any certificate/documents in support has not been furnished. A CBI case relating to unauthorized use of a letter head and fabrication of signature of a Member of Parliament on a letter addressed to Prime Minister of India was under investigation Shri Jaimal Meena still continue to be on Agreed List and in this regard company has to take abundant caution since those on Agreed List are not made Branch incharge. It was also told that company has no quota assigning inchargeship and no procedure and no discrimination in placing the officers of the company.

06. Disagreeing to the above statement made by CMD that company is following the instruction of Govt. in dealing into the case in right prospective, a case of Shri S.K. Meena of OICL regarding implementation of protection clause to be given to SC/STs was recalled. The OICL management did not agree to the advise of NCST in that case and therefore, NCST had to take up the matter with Secretary, M/o Finance(Insurance) which resulted into grant of the benefit of protection clause to large number of SC/ST employees of all the Insurance Companies including OICL.

### Conclusion

07. The CMD, OICL was advised to pass general speaking order on the procedure to be followed in the circumstance the officer are on agreed list and there is no deviation in the policy with cogent reasons for posting Shri Jaimal Meena as Divisional Manager since the post of Dy. Manager presently held by the petitioner Shri Jaimal Meena was equivalent and analogue to the post. The OICL will also confirm that no officer has been appointed as Division/Branch-in-charge in the post if at the time of his/her posting, his/her name was appearing in the agreed list.

