



**Government of India
National Commission for Scheduled Tribes**

**6th floor, 'B' Wing,
LoknayaK Bhawan
Khan market,
New Delhi-110 003**

No. BLM/43/2010/MFIN9/SEOTH/RU-IV

Dated: 15.04.2011

To,

The Chairman cum Managing Director
United Bank of India,
No.11, Hemanta Basu Sarani,
Kolkatta - 700 001
West Bengal.

Sub: Promotion and cancellation of transfer order of Shri B.L.Meena, Sr.
Manager, United Bank of India, Regional Inspection Unit, Delhi.

Sir,

I am directed to refer to this Commission's letter of even number dated 23.03.2011 on the above subject and to forward herewith a copy of the proceedings of the Sitting held in this Commission on 05.04.2011 for necessary action..

2. It is requested that action taken report with reference to the above proceedings may please be sent to this Commission within 30 days positively.

Yours faithfully,


(Mrs. K.D. Bhansor)
Deputy Director

Copy to:-

Shri Babu Lal Meena,
1201, Shivalik Apartment,
Kaushambi,
Ghaziabad - 201 010 (UP)

National Commission for Scheduled Tribes

Proceedings of the sitting held in the NCST on 05.04.2011 at 11.30 A.M to discuss the case of Shri Babu Lal Meena, United Bank of India regarding his promotion from retrospective effect and cancellation of his transfer order on medical ground.

The following were present:

NCST

1. Shri Oris Syiem Myriaw, Hon'ble Member (in Chair)
2. Shri Aditya Mishra, Joint Secretary
3. Smt. K.D. Bhansor, Deputy Director
4. Shri H.R. Meena, Sr. Investigator

United Bank of India

1. Shri R.K. Mohanty, General Manager

Petitioner:

1. Shri B.L. Meena

Issue: Representation dated 27.12.2010 of Shri Shri Babu Lal Meena, United Bank of India regarding promotion and cancellation of transfer order.

Background

2. A representation dated 27.12.2010 was received from Shri Babu Lal Meena, United Bank of India regarding promotion from retrospective effect and cancellation of his transfer order, mentioning about physically handicapped of 4 year son, who is suffering from acute Cerebral Palasy (Spastic-Diplogia) and Psychomotor Retardation. The comments of United Bank of India were called vide letter dated 31.12.2010. The United Bank of India furnished comments on the representation vide their letter dated 06.01.2011 and the same was forwarded to Shri Babu Lal Meena for his information/ comments vide letter dated 18.01.2011. Shri Babu Lal Meena filed rejoinder dated 31.01.2011, along with supporting documents, with the Commission refuting the facts submitted by UBI. On examination of the reply of the Bank and the rejoinder of the petitioner relating to the case of promotion and transfer, the National Commission for Scheduled Tribes observed the following:-

- i) that Shri Meena was due for promotion from Manager to Senior Manager w.e.f. 1st September 2010, but, provision of protection clause in the matter of promotion, available to ST candidates was not followed and his

juniors were promoted while ignoring his right as per seniority. After Shri Meena represented against his non-promotion, quoting DOPT instructions on the subject, he was granted promotion to the post of Senior Manager w.e.f. 1.12.2010, instead of 1.9.2010. Since the error in not applying protection clause during the promotion process has been accepted by the Bank Management and Shri Meena's promotion should be effective along with other officers promoted w.e.f. 1.9.2010.

ii) that there are Govt. instructions that keeping in view the background and general nature of the tribals, the ST employees may not be disturbed while making postings and transfers. Yet, as informed by Shri Meena he has been transferred out of Delhi, while several other officers have been retained in the original place/station of posting in the earlier order(s) of promotion. Shri Meena has also informed that a number of officers have been retained, not only at the same station but even at the same place of posting even after several promotions. This position does not support the statement of the Bank made in their letter that it was imperative on the part of the Bank to make a change in the place of posting for newly promoted Officers for ensuring their wide exposure. In the case of Shri Meena this objective could have been met by posting him at some other Unit at Delhi.

iii) that four year old son of Shri Meena is suffering from CEREBERAL PALASY (Spastic – Diplogia) & Psychomotor Retardation. The child is getting treatment from AIIMS, New Delhi. This fact is on record of the Bank and Shri Meena was assured in writing that this fact will be kept in view while making postings and transfers.

iv) that it is a fact that continuity of medical treatment in respect of a patient suffering from CEREBERAL PALASY (Spastic – Diplogia) & Psychomotor Retardation is very critical. Therefore, withdrawal of treatment from All India Institutes of Medical Sciences, where his child is getting best treatment, is not advisable. Moreover shifting treatment of a patient from one hospital to another hospital always causes undue delay in treatment as the patient is new to the medical faculty at the other hospital. The Govt. instructions re-iterated by Ministry of Finance also stipulate that that the officers with the handicapped children should not be sent out of the State but Shri Meena has been transferred out of Delhi.

v) that the Bank has pointed that Shri Meena remained posted in North India Region since 22/08/1997. This does indicate that he did remain posted at several places, and not at one particular place in North India Region. His last posting at Delhi was stated to have been agreed keeping in view the seriousness about the acute illness of his son. Suddenly, this seriousness can not be ignored by the Bank. In this context Shri Meena has informed, that fifteen orders for his transfer have been issued during a short span of three years, since 17.07.2007 to 11.12.2010.

3. Taking into consideration the above observation and status in the matter Smt. K. Kamala Kumari, Hon'ble Member, NCST fixed a Sitting in this case on **05.04.2011 at 11.30 A.M.** with the CMD, United Bank of India to settle the grievances of Shri B.L. Meena. Vide Commission's letter dated 23/03/2011, the CMD was requested to attend the sitting and bring along with him all relevant

records w.r.t. the issues mentioned above, beside (i) those relating to service records of Shri Meena, (ii) postings and transfer orders in respect of the Officers of the level of Managers and above issued in the last five years and (iii) the list of Officers who are posted at the same station (in various capacities) for more than five years.

Discussion

4. The Sitting was chaired by Shri Oris Syiem Myriaw, Member, NCST since Smt. K. Kamala Kumari, Member could not attend the Sitting due to change in her scheduled Programme. The CMD UBI did not attend the sitting. However, Shri R.K. Mohanty, General Manager, United Bank of India appeared before the Commission. There was no written communication from the CMD about (i) his inability to attend the sitting and (ii) any authorization from the CMD in favour of Shri R.K. Mohanti, General Manager to appear before the Commission on behalf of CMD of United Bank. The Commission although viewed it seriously, but conducted the sitting in view of the importance of the matter which could not be delayed any more.

5. The case of Shri Meena was discussed on two counts (i) ante-dating the promotion of Shri B L Meena as Sr. Manager w.e.f. 01.09 2010 instead of 01.12.2010 and (ii) cancellation of his transfer order No. 767/2010 dated 11.12.2010 due to ailment of his 4 year son whose treatment is being taken at AIIMS, Delhi. The Commission was informed that consequent to the representation of Shri B L Meena to the Management for applying the benefit of 'Protection Clause' available to Scheduled Tribes in the matter of promotion, wherein reservation was not applicable, several other ST Officers have also been granted promotion due to application of this Clause. All these Officers deserve to be promoted along with other Officers promoted w.e.f. 01/09/2010 and all of them have to be given merit and seniority as per rules relating to promotion. The Commission noted that this delayed action by the Bank indicates that the rules of reservation and those relating to promotion of Scheduled Tribes were not being implemented in letter and spirit. The GM informed that the Bank has taken action about ante-dating the date of promotion as Sr. Manager w.e.f. 01.09.2010 and orders in this regard have been issued. Copy of the Order, which was not produced during the sitting, may be sent to the Commission urgently.

6. The GM mentioned that United Bank of India is a Commercial Organization and most of the branches are in North-east and Eastern States and there are limited branches having posts at the level of Sr. Manager in Northern and Central India. The GM stated that request of petitioner can be considered for keeping the orders in abeyance for a period of 6 months to 1 year. The Commission opined that there are several Units and Offices of the Bank at Delhi, keeping in view the critical condition of the handicapped child of the petitioner, the observation made above, which were also communicated to the Bank in its letter dated 23/03/2011, there may be no difficulty in retaining Shri Meena at any of the offices at Delhi till completion of satisfactory treatment of his ailing son. In this context, the petitioner separately informed the Commission that the Bank has already issued order No. 57/2011 on 05/03/2011 regarding cancellation of his transfer order. A copy of the Office order has been furnished to this Commission. It is surprising that the order was issued on 05/03/2011 but the same was not mentioned by the GM, United Bank of India during the sitting. Since the transfer order has already been cancelled and Shri B L Meena has been retained at the place of his last posting, his station may not be changed. As there are several Units, Offices and Branches of the Bank at Delhi, there may be no difficulty in retaining Shri Meena at any of the offices at Delhi till completion of satisfactory treatment of his ailing son.

7. The GM further stated that Shri Meena appeared in the promotion exercise and he was well aware of the promotion policy and rules of the Bank that on promotion the transfers is likely as per the vacancies. The GM also mentioned that the Bank has been considering his case for accommodating him in Delhi branches since 2008 and there has been no discrimination with the petitioner. The GM further mentioned that the officers who have been retained were above 55 years of age and as per transfer policy of Bank the cases have been considered. The officer retained at Noida branch was transferred to Delhi from West Bengal and had not completed 3 years as per transfer policy of the Bank. Since the GM had not furnished the details of postings and transfers sought by the Commission, vide letter dated 23/03/2011, it could not be clearly acceptable to the Commission that there was no discrimination with the petitioner as several orders for transfer of the petitioner had been issued in a short span of three years, despite the fact that the petitioner had been retained at Delhi keeping in view the need for treatment of his ailing child. Attention of the GM was drawn to the Order No.3/4/2004-SCT(B) dated

14.07.2004 and Order No. 36035/1/2000-Estt (Res) dated 18.02.2000 of DoPT regarding posting of physically handicapped employees and employees with mentally retarded children. The petitioner mentioned that his son's treatment at AIIMS has revealed a definite improvement and he requested to be retained at Delhi till the recovery of his ailing child and seeks obligation for consideration of his case.

8. The Commission advised the GM, United Bank of India that, considering handicapness of his child and the Government orders in this regard, quoted in para 2(iv) above, the petitioner may be retained at Delhi till the recovery of his ailing child. Copy of order relating to promotion of Shri B L Meena and other ST Officers w.e.f. 01/09/2010 and order relating to fixation of their merit and Seniority in the post of Sr. Manager, action taken report on the above points along with detailed information which was required by the Commission vide letter dated 23/03/2011 may be furnished to the Commission by the end of April, 2011.

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वरीस सीयम मरीयाव / ORIS SYIEM MYRIAW
सदस्य / Member
राष्ट्रीय अनुसूचित जनजाति आयोग
National Commission for Scheduled Tribes
भारत सरकार / Govt. of India
नई दिल्ली / New Delhi