



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)

Case File No. KG/6/2017/STGAP/SEOTH/RU-IV

Dated: 28.03.2018

To,

The Resident Commissioner,  
Government of Andhra Pradesh,  
Office of the Resident Commissioner,  
A.P. Bhawan, 1, Ashoka Road,  
New Delhi.

**Sub: Proceedings of the Sitting taken by Hon'ble Chairperson, National Commission for Scheduled Tribes (NCST) on 20.03.2018 at 4.00 P.M. in the matter of Shri K. Gopi, S/o late Shri Nanu Bajara, H. No. 8-2-293/64/44, Banjara Hills, Road No. 14, Hyderabad regarding reinstatement into service in Andhra Bhawan.**

Sir,

I am directed to enclose a copy of the Proceedings of the Sitting held on 20.03.2018 at 04.00 P.M under the Chairmanship of Shri Nand Kumar Sai, Hon'ble Chairperson, National Commission for Scheduled Tribes on the above mentioned subject.

It is requested that action taken report in the matter may please be intimated to the Commission, at an early date.

Yours faithfully,

*D. S. Kumbhare*  
(D.S. Kumbhare) 28/3/218  
Under Secretary

Copy for information and necessary action to:-

The Chief Secretary,  
Government of Andhra Pradesh,  
Velagapudi,  
Amaravati, Guntur

(Andhra Pradesh) – A copy of proceedings of Sitting held on 20.03.2018 at 4.00 P.M. under the Chairmanship of Shri Nand Kumar Sai, Hon'ble Chairperson, National Commission for Scheduled Tribes and application dated 21.03.2018 of Shri K. Gopi is enclosed. It is requested that action taken in the matter may please be intimated to the Commission.

Copy to:

Shri K. Gopi,  
S/o late Shri Nanu Bajara,  
H.No. 8-2-293/64/44,  
Banjara Hills,  
Road No.14,  
Hyderabad

2188-60  
28/3/18  
ISSUED

NATIONAL COMMISSION FOR SCHEDULED TRIBES

KG/6/2017/STGAP/SEOTH/RU-IV

**PROCEEDINGS OF SITTING HELD ON 20.03.2018 AT 04.00 P.M. CHAIRED BY SHRI NAND KUMAR SAI, HON'BLE CHAIRPERSON, NATIONAL COMMISSION FOR SCHEDULED TRIBES (NCST) ON SHRI K. GOPI, (DRIVER, ANDHRA BHAWAN, NEW DELHI), BANJARA HILLS, HYDERABAD REAGRNDING REINSTATEMENT INTO SERVICE IN ANDHRA PRADESH BHAWAN, NEW DELHI.**

Date of Sitting: 20.03.2018

List of officers present in sitting is Annexed.

Shri K. Gopi vide representation dated 19.05.2017 has requested the NCST for reinstatement into service in Andhra Pradesh Bhawan. The NCST had referred the matter to the Secretary, Tribal Welfare Department, Govt. of Andhra Pradesh and the Secretary, Department of General Administration, Govt. of Andhra Pradesh for furnishing the facts in the matter.

2. Secretary, General Administration, Govt. of Andhra Pradesh had referred the matter to the Resident Commissioner, Andhra Pradesh Bhawan, New Delhi for furnishing the facts directly to the NCST. Resident Commissioner (I/C), Govt. of Andhra Pradesh (Andhra Pradesh Bhawan), New Delhi vide letter No. A1/2535-PP/90/Vol.II/2/2017 dated 20.07.2017 had furnished the detailed report along with supporting documents. In this letter, it had been described that:-

“He was removed from service vide progs. No. A1/APGH/2353/2006 dated 04.03.2006, for unauthorized absence for nearly 10 years as per sub rule (1) of rule 3 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964 and G.O. Ms. No. 260 GA (Ser.C) Dept dated 04.09.2003.

Shri K. Gopi, Driver has again filed OA No. 1696/2006 challenging the proceedings of removal. The Hon'ble Andhra Pradesh Administrative Tribunal (APAT) in its judgment in OA No. 1696/2006 on 05.02.2010 and passed orders as follows:

*“After going through the entire material, I am convinced that a long rope was given to the applicant at every stage to avail the opportunity for a period of ten years but he failed to respond. Therefore, there is every justification for the Resident Commissioner to pass the impugned order and there are no grounds to interfere with the same. Hence, the OA is dismissed as devoid of merits”.*

*Handwritten signature*

In view of the above Court order, it is respectfully submitted that we are not competent to consider the request of Shri K. Gopi, Ex-Driver for reinstatement into service, after 7 years of Hon'ble APAT Judgment and 11 years after Government removed him from the service.

3. These facts were communicated to Shri K. Gopi vide NCST letter dated 22.01.2018 for satisfaction. Shri Gopi vide representation dated 09.03.2018 had requested the NCST for reinstatement into service.

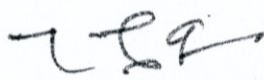
4. In the Sitting held on 20.03.2018, the Hon'ble Chairperson asked the Resident Commissioner, Govt. of Andhra Pradesh, New Delhi to focus on the issue. The Resident Commissioner explained that Shri Gopi was temporarily appointed as Driver in year 1990. On his request he was transferred to Housing Department, Andhra Bhawan Secretariat, Hyderabad on 13.06.1995. He was absent from his duties with effect from 16.01.1996. Accordingly, he was repatriated to his parent cadre (i.e. O/o Resident Commissioner, Andhra Pradesh Bhawan, New Delhi). He was represented Secretary, Housing Department to retain him to Hyderabad but his request was rejected on 17.08.1996. The Secretary, General Administration Department directed him to report to duty in the Office of Resident Commissioner, New Delhi on 17.12.1996 and 31.01.1997 but he did not follow the instructions and not report to his duty. He was several Memos but he did not submit explanation for his unauthorized absent. Thereafter, following due procedure, he has been removed from service vide progs. A1/APGH/2353/2006 dated 04.03.2006.

5. The Hon'ble Chairperson asked the petitioner to explain his grievance. The petitioner informed that his family condition was not good and his daughter committed suicide therefore and other reasons he could not join his duty at Delhi. He had requested the Andhra Administration at Hyderabad for retaining at Hyderabad. He had requested for giving a chance/reinstate into service and assured to work with sincerity at New Delhi.

6. In the Sitting it was observed that the Government of Andhra Pradesh had removed the petitioner from the service. The other benefits of service had also not been given to the Petitioner by the State Government. The Commission asked the Officers of Government of Andhra Pradesh for any kind of help of poor petitioner, Officers assured to re-examine the case on the humanitarian ground.

7. The Commission recommends that:

- (1) Shri K. Gopi should file a fresh application/appeal to the Chief Secretary, Government of Andhra Pradesh for reinstatement into service.
- (2) The Resident Commissioner, Andhra Pradesh Bhawan, New Delhi to re-examine the case of Shri K. Gopi for other financial benefits of service.
- (3) Action taken/to be taken in the matter may be intimated to the NCST within 3 months on the receipt of the Proceedings.



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

**NATIONAL COMMISSION FOR SCHEDULED TRIBES**

**Annexure**

(File No. KG/6/2017/STGAP/SEOTH/RU-IV)

**List of participants**

**NCST**


1. Shri Nand Kumar Sai, Hon'ble Chairperson (In chair)
2. Shri H.K. Damor, Hon'ble Member
3. Shri S.K. Ratho, Joint Secretary
4. Shri D.S. Kumbhare, Under Secretary
5. Shri R.S. Misra, Sr. Investigator

**Office of Resident Commissioner, Andhra Bhawan, New Delhi**

1. Shri Praveen Prakash, Resident Commissioner
2. Shri. K.C. Verma, L.O.
3. Smt. Sarala Devi, S.O.
4. Smt. R. Venkataramanan, L.O.

**Petitioner**

Shri K. Gopi

  
नन्द कुमार साय/Nand Kumar Sai  
आयुक्त/Chairperson  
राष्ट्रीय आयोग  
National Commission for Scheduled Tribes  
भारत सरकार/Govt. of India  
नई दिल्ली/New Delhi