By Speed post-

सत्यमेव जयते

भारत सरकार
Government of India
राष्ट्रीय अनुसूचित जनजाति आयोग
National Commission for Scheduled Tribes
(A Constitutional Body under Article 338A of the Constitution of India)

Case File No. TM/18/2016/MFIN9/SEHRMT/RU-IV Dated: 31.07.2018

To,

1. The Chairman cum Managing Director,
State Bank Of India,
State Bank Bhavan,
Madame Cama Road,
Mumbai-400021

2. The Chief General Manager,
State Bank of India,
Local Head Office,
Tilak Marg C- Scheme,
Jaipur- 302 005
(Rajasthan)

Sub: Minutes of the Sitting taken by Smt Maya Chintamn Ivnate, Hon'ble Member National Commission for Scheduled Tribes (NCST) on 17.07.2018 in the matter of Shri Tivesh Meena S/O Shri Rameshwar Laal Meena, Near Railway Station meena Colony, Nadbai Bharatpur, Rajasthan -321 602 (Jaipur) Regarding harassment by Bank Authourities.

Sir,

I am directed to enclose a copy of the Minutes of the Sitting held under the Chairmanship of Smt Maya Chintamn Ivnate, Hon'ble Member, National Commission for Scheduled Tribes on dated 17.07.2018 on the above mentioned subject for perusal..

It is requested that action taken report on the Commission's recommendations in the matter may be sent to the Commission within 30 days positively for placing the same before the Hon'ble Member, NCST.

Yours faithfully

6619-21
1/8/18

(Y.K. Bansal)
(Research Officer)

(Encl: As above)

Copy to:

Shri Tivesh Meena,
Near Railway Station meena Colony,
Nadbai Bharatpur,
Rajasthan -0321 602
(Jaipur)

Copy to :- SSA, NIC, NCST.

NATIONAL COMMISSION FOR SCHEDULED TRIBES

TM/18/2016/MFIN9/SEHRMT/RU-IV

PROCEEDINGS OF SITTING HELD ON 17.07.2018 AT 12.00 NOON CHAIRED BY SMT. MAYA CHINTAMN IVNATE, HON'BLE MEMBER, NATIONAL COMMISSION FOR SCHEDULED TRIBES (NCST) IN THE CASE OF OF SHRI TIVESH MEENA, SBI, NADBAI, BHARATPUR, RAJASTHAN REGARDING HARASSMENT.

Date of Sitting: 17.07.2018

List of officers present in sitting is Annexed.

The petitioner Shri Tivesh Meena, State Bank of India, Nadbai, Bharatpur, Rajasthan vide his representation dated 08.06.2016 has submitted grievances before the Commission that he was appointed as Clerk in SBBJ, Branch – Nadbai (Rajasthan) on 21.11.2011. Thereafter he was issued charge-sheet for getting employment on the basis of the wrong doing and non matching signature in examination seat.

2. The Bank has initiated enquiry for verification of signature. The Enquiry Officer in his report mentioned that the allegation is not proved. Thereafter, another enquiry was conducted by the Bank. In this enquiry the allegations of the charges were not proved. He had also filed a court case No. 2030/2015 before the Hon'ble High Court of Rajasthan and in pursuance of the High Court order the Bank has provided copy of the enquiry report and sought response within 15 days. The reply was filed on 25.05.2016. The Bank has set up another enquiry for examination of authenticity of thumb impression and signature. The Enquiry Officer in its report mentioned that allegation not proved. Now the State Bank of India vide letter dated 23.02.2018 cancelled the enquiry report and again constituted a fresh enquiry. Thus the Bank is harassing him by way of constituting again and again enquiry despite the exoneration from the charges by the Enquiry Officers. He requested the Commission to direct the Bank Management for stoppage of enquiries.

3. As per procedure, the NCST vide its Notice dated 08.08.2016 and reminders dated 02.09.2016, 05.09.2017, 13.11.2017 and 09.01.2018 have sought a report. However, no report was received and thereafter a Sitting was held on 28.03.2018 in the Commission. The Commission had recommended that a detailed action taken report be provided to the Commission.

4. In pursuance of the Commission's recommendations, the State Bank of India vide its letter dated 19.03.2018 has submitted a report stating that the bank has initiated Departmental Enquiry against the petitioner and which has to be concluded.

5. Since the report of the Bank was not found satisfactory, hence, a Sitting was held on 17.07.2018.

6. During the Sitting the General Manager, State Bank of India, Jaipur have submitted a report and reported that a case of impersonation was reported on 16.02.2012 by C.R.P.D. Corporate Centre, SBI wherein it was reported that some

Smt. Maya Chintamn Ivnate
Member
National Commission for Scheduled Tribes
Govt. of India, New Delhi

enquiry was set up against him. Disciplinary Authority examined the report and noted that Enquiry Officer has not taken care of the evidences. Disciplinary Authority ordered a de-novo enquiry. Shri Tivesh Meena challenged the enquiry order before the Hon'ble High Court of Rajasthan Bench at Jaipur as mentioned above. In compliance with the order of the Hon'ble High Court and in accordance with the Bank's guidelines and practice, Disciplinary Authority served a notice to Shri Meena for defending the points on the allegations. Shri Meena submitted the facts, vide representation dated 26.05.2016. Disciplinary Authority after considering the representation dated 26.05.2016 of Shri Meena ordered a de-novo enquiry on 31.05.2016. The said enquiry was conducted on 10.02.2017, and thereafter, the Disciplinary Authority vide order dated 23.02.2018 quashed the said enquiry on some technical grounds and appointed Enquiry Officer and Presenting Officer to conduct fresh enquiry in the matter. The Inquiry Officer has served notice to Shri Meena to be present in preliminary hearing scheduled on 09.04.2018. However, he did not appear and therefore, another notice was served for appearance on 11.07.2018. The petitioner did not appear before the Inquiry Officer. Hence, the inquiry was postponed. The Bank is ready to conclude the said enquiry proceedings in time bound frame on being participation and co-operation from the petitioner side. The Commission is requested to direct Shri Meena to co-operative in the inquiry proceedings.

7. The case was examined and discussed in detail. The Commission observed that the petitioner Shri Tivesh Meena was appointed as clerk in SBBJ Branch, Nadbai (Rajasthan) on 21.11.2011. Thereafter, a departmental inquiry was initiated against him on the charges of impersonation in the year 2013. First inquiry was conducted by Shri Dhanraj Singh, Branch Manager, BN gate Branch, Bharatpur. The Inquiry report was submitted by him in June, 2014 with the findings that no charges proved against the petitioner. The Disciplinary Authority did not accept the report of the Inquiry Officer. Hence, second charge sheet was issued in October, 2014 and an inquiry was ordered against the petitioner. Being aggrieved, the order of inquiry was challenged by the petitioner before the Hon'ble High Court of Rajasthan. The Court has struck down the 2nd inquiry. However, the Bank Management issued 3rd charge sheet in May, 2016 and an inquiry was ordered in January, 2017. The inquiry was conducted by Shri Prabhu Lal Meena, Chief Manager, SBI, Dholpur Branch. The Inquiry Officer concluded the inquiry with the findings that no charges proved against the petitioner. The findings of the Inquiry Officer was not accepted by the Disciplinary Authority of SBI and 4th Charge sheet was issued in February, 2018 and an Inquiry was initiated, which is yet to be completed

The Commission felt that the petitioner is harassed by way of conducting repeated Departmental Inquiry for same charges despite charges not proved in earlier 3 inquiries and struck down the order of second inquiry by the Hon'ble High Court of Rajasthan. The Commission also noted that the SBBJ was an ancillary Bank of the State Bank of India. After merger of the SBBJ into SBI, there was no change in the service rules of the employees. Since, the officers of the SBBJ has conducted the inquiry and they found charges not proved against the petitioner. Hence, there is no justification to conduct fresh inquiry by the State Bank of India Management. It appears to be a case of discrimination and harassment with an employee belonging to Scheduled Tribe.

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9. The Commission recommendations as follows:

- Keeping in view the observation of the Commission, the SBI Management should expedite the inquiry and decide the case based on the findings of the previous three Inquiry Officers and the orders of the Hon'ble High Court of Rajasthan. It may also be ensured that no further harassment may be meted out against the petitioner on caste ground so that he could discharge his duties in peacefully manner.

- Action taken report in the matter should be submitted before the Commission within 30 days.

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NATIONAL COMMISSION FOR SCHEDULED TRIBES

Annexure

(File No. TM/18/2016/MFIN9/SEHRMT/RU-IV)

List of participants

NCST

1. Smt. Maya Chintamn Ivnate, Hon'ble Member (In chair)
2. Shri P.T. Jameskutty, Deputy Secretary
3. Shri Y.K. Bansal, Research Officer
4. Shri Sudhir Atram, PS to Hon'ble Member
5. Shri H.R. Meena, Sr. Investigator

Officers of State Bank of India

1. Shri Rajiv Kohli, General Manager
2. Shri Laxman Singh, DGM (Vigilance)
3. Shri D.S. Rawat, DGM (C&D)
4. Shri B.S. Meena, AGM, Jaipur
5. Shri Rajesh Pachouri, Dy. Manager, Jaipur.

Petitioner

Shri Tivesh Meena