



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)

By Speed post

Case File No. BSB/5/2016/MFIN9/SEOTH/RU-IV

Dated: 08.08.2018

To,

The Managing Director & CEO,
Union Bank of India,
Union Bank Bhawan,
239, Vidhan Bhavan Marg,
Nariman Point,
Mumbai – 400 021
(Maharashtra).

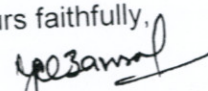
Sub: Proceedings of the Sitting taken by Hon'ble Chairperson, National Commission for Scheduled Tribes (NCST) on 19.07.2018 in the matter of Shri Bhagwat Shyamrao Bende, Sr. Manager, Nagpur (Maharashtra) regarding reinstatement into service in Union Bank of India.

Sir,

I am directed to enclose a copy of the Proceedings of the Sitting held on 19.07.2018 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,


(Y.K. Bansal)
Research Officer

(Enc: As above)

Copy to:

Shri Bhagwat Shymrao Bende,
Sai Prasanna Apartment,
Plot No. 12, Flat No. 102,
Santh Kripa Society,
Narendra Nagar,
Nagpur
(Maharashtra).

✓ Copy to: - SAS, NIC, NCST.

PROCEEDINGS OF SITTING HELD ON 19.07.2018 AT 12.00 NOON CHAIRED BY SHRI NAND KUMAR SAI, HON'BLE CHAIRPERSON, NATIONAL COMMISSION FOR SCHEDULED TRIBES (NCST) IN THE MATTER OF REPRESENTATION OF SHRI BHAGWAT SHYAMRAO BENDE, SR. MANAGER, UNION BANK OF INDIA, MUMBAI, MAHARASHTRA REGARDING REINSTATEMENT INTO SERVICE IN UNION BANK OF INDIA.

Date of Sitting: 19.07.2018

List of officers present in sitting is Annexed.

The Petitioner Shri Bhagwat Shyamrao Bende, vide his representation dated 17.02.2016 has represented before the Commission regarding forcefully dismissal and reinstatement to him in the service of Union Bank of India.

2. Shri Bhagwat Shyamrao Bende, Sr. Manager, Union Bank of India, Mumbai, Maharashtra has alleged that order of dismissal dated 27.08.2015 issued by the Chief Manager (IR), Mumbai is not a speaking order but contain only general observations which is not good enough to pass such a harsh punishment. The observations noted by disciplinary authority are good enough of the comments in the inspection reports of the branches where such irregularities are listed for compliance which are of routine nature and such lapses and therefore award of harsh punishment for such routine compliances is not commensurate with the facts of the case. In this regard, he had filed an appeal dated 29.10.2015 before the Department of Personnel, Union Bank of India, Mumbai for reconsideration of his case. The Appellate Authority rejected the appeal without considering facts of the case.

3. Earlier the case was fixed for Sitting in the Commission on 06.03.2018 and the case was discussed. During the Sitting, it was decided that Smt. Usha Rajagopalan, Departmental Enquiry Officer (in the case of petitioner) should be asked to appear before the Commission when she re-joins the Bank. Union Bank of India should inform the NCST so that next Sitting would be organized in the matter for further examination. In addition, Union Bank of India should also submit a statement/information indicating the points on which petitioner had denied/accepted charges as levelled by the Bank against him in the preliminary enquiry.


4. Accordingly, a Sitting was fixed on 19.07.2018 before the Hon'ble Chairperson, NCST and CMD, Union Bank of India along with the Departmental Enquiry Officer of the Bank were called for Sitting.

5. The CMD, Union Bank of India has sent exemption request for appearance and requested for permission of appearance of General Manager (HR), Union Bank of India before the Commission in the Sitting. The Commission accepted the request and the case was heard in the interest of Scheduled Tribe employee.



Nand Kumar Sai
Chairperson
National Commission for Scheduled Tribes
Govt. of India
New Delhi

6. After hearing from both side (Petitioner and Union Bank of India), the Commission observed that the Bank has awarded harsh punishment to the scheduled tribe petitioner which is not commensurate in proportionality with the nature of misdemeanor. The General Manager (HR), UBI is not a competent authority to take a decision on reviewing his case. Hence, it is decided that the Managing Director and CEO, UBI should ask to appear in person before the Commission in the next day of Sitting so that the Commission could decide the matter. The General Manager (HR) is, however, advised to inform the Commission about the availability of MD & CEO, UBI for fixing the Sitting in the Commission. It is also decided that at the time of next Sitting, the Bank will bring all previous service records of the petitioner.


7.8.18
Nand Kumar Sai
Chairperson
National Commission for Scheduled Tribes
Govt. of India
New Delhi

NATIONAL COMMISSION FOR SCHEDULED TRIBES

Annexure

(File No. BSB/5/2016/MFIN9/SEOTH/RU-IV)

List of participants

NCST

1. Shri Nand Kumar Sai, Hon'ble Chairperson (In chair)
2. Miss. Anusuiya Uikey, Hon'ble Vice-Chairperson
3. Shri H.K. Damor, Hon'ble Member
4. Shri Raghav Chandra, Secretary
5. Shri S.K. Ratho, Joint Secretary
6. Shri P.T. Jameskutty, Deputy Secretary
7. Shri Y.K. Bansal, Research Officer
8. Shri H.R. Meena, Sr. Investigator

Union Bank of India

1. Shri Brajesh Kumar Sharma, General Manager (HR)
2. Shri Rakesh Chopra, Deputy General Manager (IR)
3. Smt. Usha Rajagopalan, Chief Manager & Enquiry Officer

Petitioner

Shri B.S. Bende