



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. SKM/23/2017/MFIN9/SEOTH/RU-IV

Dated: 17.08.2018

To,

The Chairman,  
LIC of India,  
4<sup>th</sup> Floor, West Wing,  
Yogakshema, P.B. No. 19953,  
Jeevan Bima Marg, Nariman Point,  
Mumbai - 400 021 (Maharashtra)  
Mumbai - 400 021.

**Sub:** Proceedings of the Sitting taken by Shri Nand Kumar Sai, Hon'ble Chairperson, National Commission for Scheduled Tribes (NCST) on 08.08.2018 in the matter of Shri Shashi Kumar Meena, Administrative Officer, BO-Bhawani Mandi, District - Jhalawar (Rajasthan) regarding harassment by LIC authorities.

Sir,

I am directed to enclose a copy of the Proceedings of the Sitting held on 08.08.2018 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 be intimated to the Commission, within one month positively for placing the same before the Hon'ble Chairperson, NCST.

Yours faithfully,

(Y.K. Bansal)  
Research Officer

(Encl: As above)

Copy to:

Shri Shashi Kumar Meena,  
Administrative Officer, LIC of India,  
236, Pratap Nagar I<sup>st</sup>,  
Behind Bharat Vidhyapeed,  
Borkheda, Kota - 324 001 (Rajasthan).

Copy to: - SAs, NIC, NCST.

NATIONAL COMMISSION FOR SCHEDULED TRIBES

SKM/23/2017/MFIN9/SEOTH/RU-IV

PROCEEDINGS OF SITTING HELD ON 08.08.2018 AT 04.00 P.M. CHAIRED BY MISS ANUSUIYA UIKEY, HON'BLE VICE-CHAIRPERSON, NATIONAL COMMISSION FOR SCHEDULED TRIBES (NCST) IN THE CASE OF SHRI SHASHI KUMAR MEENA, ADMINISTRATE OFFICER, LIC OF INDIA, 236, PRATAP NAGAR 1<sup>ST</sup>, BEHIND BHARAT VIDHYAPEED, BORKHEDA, KOTA REGARDING HARASSMENT AND REINSTATEMENT INTO SERVICE IN LIC OF INDIA.

Date of Sitting: 08.08.2018

List of officers present in sitting is Annexed.

The National Commission for Scheduled Tribes received a representation dated 12.07.2017 from Shri Shashi Kumar Meena, Administrative Officer, LIC of India, Bhavani Mandi, District Jhalawar, Rajasthan wherein he represented before the Commission that while working as Administrative Officer at Kota Branch Office, he had raised his voice against irregularities of misappropriation of funds by some employees in the Kota – II office of LIC in the year June, 2015, and being aggrieved, the LIC Management had issued a Charge Sheet dated 08.08.2016 on the grounds of indiscipline, misbehaviour with Senior Officers, non submission of APAR timely and non participation of meetings against him. Subsequently, Departmental proceedings were initiated against him. Finally, he was awarded a punishment of removal from service which shall not be a disqualification for future employment vide LIC of India Office Order dated 21.06.2017.

2. As per procedure, the NCST vide its letter dated 21.07.2017 asked a report from the Chairman, LIC of India, Mumbai. Accordingly, the LIC of India vide letter dated 16.08.2017 informed the facts of the case that a Charge Sheet dated 06.08.2016 was issued to the petitioner, Shri S.K. Meena invoking the provisions of Staff Regulations 21,24 read with Regulation 39(1) of Life Insurance Corporation of India (Staff) Regulations, 1960 for misbehaving with his superior and for undermining Superior's authority in the matter pertaining to official discharge of duties by wilfully disobeying the instructions of Branch Manager in gross violation of office discipline and decorum. Shri S.K. Meena did not submit his reply even after a period of more than one month from the date of receipt of Charge Sheet. Construing the non receipt of his reply as denial of charges, a departmental enquiry was ordered. On receipt of the Enquiry Report, the same was forwarded to Shri S.K. Meena for obtaining his comments on it which he submitted vide letter dated 22.03.2017. After considering the findings of the Enquiry Officer, the contentions raised by Shri Meena in his comments on Enquiry Report, minutes of hearing and deposition of prosecution witness who confirmed that Shri Meena had used unparliamentarily, abusive and obscene language, a speaking Show Cause Notice dated 21.06.2017 proposing the penalty of "Removal from Service" elucidating the reasons for not considering his contentions was issued to him. Shri S.K. Meena has replied to the Show Cause notice



**Nand Kumar Sai**

Chairperson

National Commission for Scheduled Tribes

Govt. of India

New Delhi



and the same has been received on 12.08.2017 which is under consideration. Further disciplinary proceedings which have been initiated against Shri S.K. Meena under Life Insurance Corporation of India (Staff) Regulations, 1960, are in accordance with the rules notified by the Government of India and so have quasi-judicial status.

3. As the LIC of India's report was found to be unsatisfactory, the Commission in exercise of the powers conferred under clause 8 of the Article 338 A of the Constitution of India, fixed a Sitting on 06.08.2018. The Chairman, LIC of India was called to appear before the Hon'ble Chairperson, NCST. However, he did not appear and in place of him the Additional Executive Director(P), LIC of India appeared.
4. Since the Officers appeared were not competent to take decision, the Sitting was deferred to 08.08.2018.
5. The Chairman, LIC of India appeared before the Commission on 08.08.2018 and appraised the facts of the case. He stated that the petitioner's case was decided as per prescribed rules and procedure of the LIC of India. The petitioner's Memorial is pending before him and if, there is any legal flaw in the case, then the same will be taken into consideration and natural justice will be provided to the petitioner. At the time of deciding of petitioner's Memorial, he will also consider the cases of similar nature wherein penalty of dismissal from services was imposed in other cases previously. However, he requested the Commission that the petitioner be advised to submit detailed legal flaw or any other defence documents to him to decide the matter. If necessary, the matter will be remanded back to the Disciplinary Authority to re-conduct the enquiry on the legal flaw in the case.
6. During the Sitting, the petitioner stated that the Charge sheet issued against him was on flimsy grounds. His defence documents were not considered by the Enquiry Officer as well as the Disciplinary Authority. The imposition of penalty is unique as there is no cases of dismissal from services in discipline/misbehaviour in the Corporation. The Disciplinary Authority and Appellate Authority were same and were also having grudge against him.
7. The case was discussed in detail. The Commission observed that the charges levelled against the petitioner seems to be minor. But the LIC of India has awarded disproportionately harsh punishment to the Scheduled Tribe petitioner which is not commensurate with the nature of misdemeanor. There is also legal flaw in the conduction of departmental enquiry. The Disciplinary Authority and Appellate Authority in this case was the same Officers and thus denied natural justice.
8. The Commission therefore, recommends that:
  - At the time of deciding the petitioner's Memorial, the Chairman, LIC of India should consider the legal flaw in the disciplinary proceedings, the petitioner's defence documents and previous cases of imposition of penalty or dismissal from service on the grounds of indiscipline and misbehaviour.
  - The Chairman, LIC of India should provide an opportunity to the petitioner to present for defence submission in person and if



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

necessary, the department enquiry should be re-conducted for the sake of natural justice to the petitioner.

- The petitioner will submit all his defence documents and legal flaw in earlier proceedings before the LIC of India within a week and the same will be considered by the authority concerned.
- The Chairman, LIC of India may also ensure that no injustice is meted out to the petitioner.
- An action taken report should be submitted before the Commission within 30 days.

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229  
24.8.18  
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Chairperson  
National Commission for Scheduled Tribes  
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New Delhi

**NATIONAL COMMISSION FOR SCHEDULED TRIBES**

**Annexure**

(File No. SKM/23/2017/MFIN9/SEOTH/RU-IV)

**List of participants**

**NCST**

1. Miss Anusuiya Uikey, Hon'ble Vice-Chairperson (In chair)
2. Shri Hari Krishna Damor, Hon'ble Member
3. Shri Raghav Chandra, Secretary
4. Shri S.K. Ratho, Joint Secretary
5. Shri Y.K. Bansal, Research Officer
6. Shri H.R. Meena, Sr. Investigator

**Officers of LIC of India**

1. Shri V.K. Sharma, Chairman
2. Shri K.R. Meena, Regional Manager (P&IR)

**Petitioner**

Shri Shashi Kumar Meena