



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. KS/5/2018/MFIN9/SEHRMT/RU-IV

Dated: 31.01.2019

To

**The Chairman,**  
State Bank of India,  
State Bank Bhavan,  
Madam Cama Road,  
Mumbai- 400 021 (Maharashtra).

**Sub: Proceedings of the Sitting taken by Shri Nand Kumar Sai, Hon'ble Chairperson, National Commission for Scheduled Tribes (NCST) on 21.01.2019 in the case of Shri K. Shankar, Assistant Manager, State Bank of India, RBO, Nalgonda regarding harassment.**

Sir,

I am directed to enclose herewith a copy of the Proceedings of the Sitting held on 21.01.2019 under the Chairmanship of Shri Nand Kumar Sai, Hon'ble Chairperson, National Commission for Scheduled Tribes on the above mentioned subject for necessary action and submission of compliance report to this Commission within 30 days from the receipt of the letter for placing the same before the Hon'ble Member, NCST.

Yours faithfully,

*(Y.K. Bansal)*  
31/1/2019  
Research Officer

Copy to:

Shri Katravath Shankar,  
S/o Shri Deshya,  
Singaram Pedda Thanda,  
Penimella (Post), Achampet (Mandal),  
Nagarkarnool (District) – 509 376,  
Telangana (State).

NATIONAL COMMISSION FOR SCHEDULED TRIBES

Case File No. KS/5/2018/MFIN9/SEHRT/RU-IV

PROCEEDINGS OF SITTING HELD ON 21.01.2019 CHAIRED BY SHRI NAND KUMAR SAI, HON'BLE CHAIRPERSON, NATIONAL COMMISSION FOR SCHEDULED TRIBES (NCST) IN THE CASE OF SHRI. K. SANKAR, ASSISTANT MANAGER, SBI, RBO, NALGONDA REGARDING VIOLATION IN INQUIRY PROCEDURE IN SBI BY THE INQUIRY OFFICER, DISCIPLINARY AUTHORITY AND APPELLATE AUTHORITY

Date of Sitting: 21.01.2019

List of officers present in sitting is Annexed.

The petitioner Shri K. Sankar vide his representation dated 23.08.2018 has submitted the grievances of violation in inquiry procedure in SBI by the Inquiry Officer, Disciplinary Authority and Appellate Authority.

The petitioner has alleged that he was recruited to SBI as RMRO on 22.12.2008 and confirmed on 02.08.2010 as Scale I Officer, became due for promotions during August, 2015 (Scale-I) and next promotion during 2018 (Scale III). However, in the name of false criminal case and charge sheet resulting in an illegal punishment, he suffers to continue in the Scale I and even after a minor penalty of stoppage of 2 increments for 2 years the entire suspension period of 14 months is treated as "Not Duty".

He further represented that he had only renewed the loan sanctioned by his earlier officers and no fresh loan was sanctioned by him. Due to which, a Departmental Inquiry was initiated against him. During the inquiry, he was not given an opportunity to defend his case and he was not allowed to cross examination of the evidences. Finally, a punishment of withheld of two increments was imposed against him. A criminal case was also registered against him. The petitioner requested the Commission to withdraw the false criminal case and restoration of withheld increments. The period of suspension may also be treated as Duty. An atrocity case may also be filed against the harassing higher officers.

2. As per procedure of the NCST, a report was called from the SBI Management and inturn, the SBI vide its letter dated 08.11.2018 has submitted a report wherein the following facts of the case was reported:

(i) The petitioner was served a charge sheet on 10.04.2017 for certain irregularities while working as Assistant Manager (Advances), Amarabad. A Departmental Inquiry was ordered and the petitioner was given full opportunity to



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Chairperson  
National Commission for Scheduled Tribes  
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New Delhi

defend his case. The Disciplinary Authority after careful examination of Inquiry Report imposed penalty of reduction by two stage in the time scale of pay for two years vide order dated 22.11.2017. Then the petitioner preferred an appeal dated 29.01.2018 before the Appellate Authority and the Appellate Authority taking lenient view revised the punishment of Reduction of pay by two stages without cumulative effect and not adversely effect in Officer's pension.

(ii) Regarding criminal complaint, the said complaint was lodged by the Bank against the petitioner based on available records. The Police after examination of the documents arrested the petitioner which bears out that the complaint was not false. The suspension of the petitioner was also an administrative decision taken by his controller based on the facts of the case

(iii) The petitioner's promotion to MMGS – II in the year 2015-16 could not be considered due to not found suitable. Moreover, the petitioner's promotion for the year 2016-17 and 2017-18 was also not considered due to punishment.

3. Since, the Bank's report was found to be unsatisfactory, therefore, the Hon'ble Chairperson, NCST has fixed a Sitting on 21.01.2019 in the Commission. The Chairman, SBI was called for Sitting. However, he has sent a request for exemption from appearance due to certain prior appointment vide letter dated 17.01.2019 and also requested to allow the General Manager (Local Head Office), SBI, Hyderabad to represent the case before the Commission. The request was taken on the record. Accordingly, in the Sitting, the General Manager, Local Head Office, Hyderabad along with the petitioner concerned were present.

4. During the Sitting, the petitioner has submitted grievances of arbitrarily conduction of Departmental inquiry on false charges and thereafter, imposition of penalty of reduction of stoppage of two annual increment. He further informed that he had only renewed the loan sanctioned earlier by his predecessor Officers and no new loan was sanctioned. However, his defence document did not taken into consideration into enquiry and a punishment of stoppage of two increment was imposed.

5. In sitting the General Manager, SBI Hyderabad informed the Commission that after proving the charges of certain irregularities during the domestic enquiry, a punishment of stoppage of two increments with cumulative effect was imposed against the petitioner. Thereafter, the punishment was modified with stoppage of two increments without cumulative effect by the Appellate Authority. The petitioner was also given fair opportunity to defend his case during the enquiry.

6. The case was discussed in detail. The Commission observed that the petitioner's punishment was major one which has been modified by Minor punishment of stoppage of two increments without cumulative effect. After completion of the punishment, he will be eligible for promotion and further increments and will not effect in his pensionary benefits. However, the Commission recommends that the petitioner




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will submit a mercy petition (Memorial) to Chairman, SBI for reconsideration. The Chairman, SBI will consider the petitioner's memorial in positive manner to protect the interest of Scheduled Tribe Officer.

7. An action taken report as to the action proposed to be taken on the basis of the recommendation of the NCST should be submitted to the Commission within 30 days from the receipt of the proceedings.

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22.01.09

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Chairperson  
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New Delhi

**NATIONAL COMMISSION FOR SCHEDULED TRIBES**

**Annexure**

(File No. KS/5/2018/MFIN9/SEHRT/RU-IV)

**List of participants**

1. Shri Nand Kumar Sai, Hon'ble Chairperson (In chair)
2. Shri Harshadbhai Chunnilal Vasava, Hon'ble Member
3. Shri Hari Krishna Damor, Hon'ble Member
4. Smt. Maya Chintamn Ivnate, Hon'ble Member
5. Shri A.K. Singh, Secretary
6. Shri S.K. Ratho, Joint Secretary
7. Shri P.T. Jameskutty, Deputy Secretary
8. Shri Y.K. Bansal, Research Officer
9. Shri H.R. Meena, Sr. Investigator

**Officers of State Bank of India**

1. Shri. U.N.N. Maiya, SBI, LHO, Hyderabad
2. Shri Raghurama Shetty, General Manager, LHO
3. Shri K.V.R. Murthy, Assistant General Manager, LHO, Hyderabad
4. Shri A.B.S. Prakasa Rao, Assistant General Manager, LHO, Amaravati

**Petitioners**

1. Shri K. Sankar
2. Shri Bhukya Sridhar