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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. BHN/3/2018/MPNT3/SEOTH/RU-IV

Dated: 14.03.2019

To,

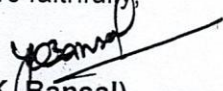
The Post Master General,
Hyderabad Region,
Telangana Postal Circle,
DAK Sadan Building,
Abids Circle, JN Road, Abids
Hyderabad - 500 001.

Sub: Proceedings of sitting held on 14.03.2019 chaired by Smt. Maya Chintamn Ivnate, Hon'ble Member, National Commission for Scheduled Tribes (NCST) in the case of Shri B. Hari Naik, Inspector, Posts, Huzurnagar Sub-Division Post Office at Hyderabad Region under Telangana Postal Circle regarding reinstatement into service

Sir,

I am directed to enclose herewith a copy of the Proceedings of the Sitting held on 14.03.2019 under the Chairmanship of Smt. Maya Chintamn Ivnate, Hon'ble Member, National Commission for Scheduled Tribes on the above mentioned subject for necessary action and submission of compliance report to this Commission within 10 days from the receipt of the letter for placing the same before the Hon'ble Member, NCST.

Yours faithfully,



(Y.K. Bansal)
Research Officer

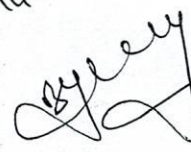
Copy to:

The Chief Post Master General,
Telangana Postal Circle,
DAK Sadan Building,
Abids Circle, JN Road, Abids
Hyderabad - 500 001.

Copy for information to:

Shri B. Hari Naik,
R/o C/o Gangaram,
House No. 1-56/60-26,
Near Bank Community Hall,
Mahalaxminagar,
Borgaon (P) BO,
Nizamabad - 503 230(Telangana).


Received copy by hand
on 14.03.2019

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14/3/19
जारी किया
ISSUED

14/3/2019
B. Hari Naik

NATIONAL COMMISSION FOR SCHEDULED TRIBES

BHN/3/2018/MPNT3/SEOTH/RU-IV

PROCEEDINGS OF SITTING HELD ON 14.03.2019 CHAIRED BY SMT. MAYA CHINTAMN IVNATE, HON'BLE MEMBER, NATIONAL COMMISSION FOR SCHEDULED TRIBES (NCST) IN THE CASE OF SHRI B. HARI NAIK, INSPECTOR, POSTS, HUZURNAGAR SUB-DIVISION POST OFFICE AT HYDERABAD REGION UNDER TELANGANA POSTAL CIRCLE REGARDING REINSTATEMENT INTO SERVICE.

Date of Sitting: 14.03.2019

List of officers present in sitting is Annexed.

The petitioner Shri Hari Naik vide his representation dated 28.09.2018 has submitted the grievances of forcefully compulsory retirement from services on the ground of false charges and request for reinstatement into service.

2. He alleged that he was posted as Inspector, Posts, Huzurnagar, Sub-division Post Office at Hyderabad Region under Telangana Postal Circle. While discharging duty of Inspector of Posts, the Department of Posts had foisted a false case against him with the allegation of irregularities in recruitment of Gramin Dak Sevek and imposed a penalty of compulsory retirement from services. The charges were framed that during the service period, he had issued notification inviting applications for recruitment of Gramin Dak Sevek against 07 vacancies in in the Huzurnagar Sub-division without giving wide publicity of the recruitment and he issued publicity materials with regard to mobilization of deposits in the Schemes called Sukanya, Samruddhi accounts and Rural Postal Life Insurance Savings. Whereas, facts were that he had sent notification copies to all concerned and founding some mistakes, the recruitment notification was immediately withdrawn. During the inquiry he has produced all relevant documents in this regard. But the Inquiry Officer did not take cognizance of his defence documents and awarded harsh punishment of compulsory retirement. Aggrieved with the disproportionate, unconscionable punishment of compulsory retirement, he submitted an appeal dated 12-11-2017 before the Appellate Authority. However, the appeal has not been decided so far and his services has not been reinstated.

3. The NCST vide its notice dated 16-11-2018 sought a report from the CPMG, Telangana Circle. In response to the Commission's notice, the CPMG, Telangana Circle submitted a report wherein it has been informed that the petitioner Shri B.Harinaik while working as Inspector Posts, Huzurnagar Sub-division in Suryapet Division under Hyderabad Region during the period from 08-08-2014 to 23-04-2015 had issued notifications for filling up of 07 Grameena Dak Sevak posts. As per the procedure in force, copies of notifications were required to be supplied to concerned Branch Postmasters, Mail Overseers. But instead of the same he kept some other papers in the Registered letters sent to them and the acknowledgements received from them were kept in the file to make the file appear that the procedure was correctly followed by the Inspector Posts. Hence disciplinary action under Rule 14 of CCS (CCA) Rules 1965 was initiated against him vide Senior Supdt. Of Post Offices, Nizamabad Division Memo No.B1/PF/BH/2015- 2016 dated 23-07-2015.

After completion of departmental inquiry under Rule 14 CCS (CCA) Rules 1965, the disciplinary action was finalized by the disciplinary authority, i.e. Director of Postal Services, Hyderabad Region, Hyderabad vide memo No.PMG(H)/ST/20-6/R-14/BHN/NZB/2017 dated



Smt. Maya Chintamn Ivnate
Member

National Commission for Scheduled Tribes
Govt. of India, New Delhi

20-10-2017 imposing a penalty of "Compulsory Retirement from Government Service" with immediate effect. Aggrieved by the orders of Disciplinary Authority, the official has preferred an appeal to the Postmaster General, Hyderabad Region, Hyderabad on 12-11-2017 and the appeal is pending.

4. Being dissatisfied with the Department's report, the Hon'ble Member, Smt Maya Chintamn Ivate, NCST fixed a sitting on 14.03.2019 to have a discussion in the case. Accordingly, a sitting notice for appearance of Chief Post Master General, Telangana Circle was issued.

5. The Sitting was held on 14.03.2019. The Post Master General, Telangana Circle and Director of Postal Services appeared before the Commission. The petitioner was also present.

6. In sitting the petitioner submitted his grievances of discrimination and unjustified punishment of compulsory retirement from services. He was stated that the Department of Posts had given duty of recruitment of Grameen Dak Sevak in Hujurnagar Sub Division of Hyderabad Region. Accordingly, he had invited applications by issuing notification to all concerned. But on the basis of anonymous complaint, initiated a Departmental inquiry against him and awarded harsh punishment of compulsory retirement without taking into consideration of his defence documents. He had also submitted an appeal before the Appellate Authority and the same is pending.

7. The Director of Postal services submitted that on the basis of one complaint of irregularities in recruitment of Grameen Dak Sevak and non issuing of recruitment notification to designated authorities, a charge sheet was issued against the petitioner. Thereafter, on the proving of the charges, the Disciplinary Authority awarded punishment of compulsory retirement. The petitioner's appeal is also pending before the Appellate Authority.

8. The case was discussed in detail. The Commission observed that it is a case of clear cut discrimination and atrocity against the Scheduled Tribe employee. The Commission noted that there was a flaw in the Departmental inquiry as the complaint was anonymous and the said complaint was not verified from the complainant during the inquiry. The petitioner's defence documents were not taken into consideration. The recruitment notification was also withdrawn immediately and there was no loss to the Department. In addition, the Department of Posts has awarded harsh punishment to the scheduled tribe petitioner which is not commensurate in proportionately with the nature of misdemeanor. The Commission therefore, recommends that:

- The Post Master General, Telangana Circle who is the Appellate Authority, where his appeal is pending should decide the petitioner's appeal favourably within 7 days and he should be restored with all consequential benefits.
- The Department of Posts should ensure that no injustice should be meted out against the Scheduled Tribe petitioner.
- An action taken report on the Commission's recommendations should be submitted to the Commission within 10 days from the receipt of the proceedings


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

NATIONAL COMMISSION FOR SCHEDULED TRIBES

Annexure

(File No. BHN/3/2018/MPNT3/SEOTH/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 from the Postal Department

1. Shri Aakash Deep, Post Master General, Hyderabad Region
2. Shri S.V. Rao, Director of Posts

Petitioner

Shri B. Hari Naik