



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. BCN/3/2018/STGAP/SEHRMT/RU-IV

Dated: 23.07.2019

To,

1. **The Chief Secretary,**
Government of Andhra Pradesh
Secretariat,
Velagapudi, Amaravati,
District – Guntur (Andhra Pradesh)
2. **The Special Chief Secretary,**
Agriculture Department,
Government of Andhra Pradesh,
Secretariat,
Velagapudi, Amaravati,
District – Guntur (Andhra Pradesh)
3. **The Vice Chancellor,**
Acharya N.G. Ranga Agriculture
University,
Lam, Amaravati,
District – Guntur (Andhra Pradesh).

Sub: Proceedings of sitting held on 10.07.2019 chaired by Miss Anusuiya Uikey, Hon'ble Vice-Chairperson, National Commission for Scheduled Tribes (NCST) in the case of Shri Shri B. Chekre Naik, General Secretary, FCI ST Staff & Officers Welfare Association, Hyderabad regarding harassment to Shri K.S.S. Naik by Acharya N G Ranga Agriculture University Authorities.

Sir,

I am directed to enclose herewith a copy of the Proceedings of the Sitting held on 10.07.2019 under the Chairmanship of Miss Anusuiya Uikey, Hon'ble Vice-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 for placing the same before the Hon'ble Vice-Chairperson, NCST.

Yours faithfully,

(Y.K. Bansal)

Research Officer

Ph. No. 24645826

Encl: As above

Copy to:

Shri B. Chekre Naik,
General Secretary,
All India Central/PSUs & State Govt.
ST Employees Welfare Assn.
Flat No. 204, Excellent Enclave,
Near NTR Bus Stop,
Yanamalakuduru,
Vijayawada – 520 007.

NATIONAL COMMISSION FOR SCHEDULED TRIBES

F. No. BCN/3/2018/STGAP/SEHRMT/RU-IV

PROCEEDINGS OF SITTING HELD ON 10-07-2019 CHAIRED BY MS. ANUSUIYA UIKEY, HON'BLE VICE CHAIRPERSON, NATIONAL COMMISSION FOR SCHEDULED TRIBES IN THE CASE OF REPRESENTATION OF SHRI B.CHEKRE NAIK, GENERAL SECRETARY, ALL INDIA CENTRAL/PSUS AND STATE GOVERNMENT S.T. EMPLOYEES WELFARE ASSOCIATION, HYDERABAD, TELANGANA REGARDING HARASSMENT OF DR. K.S.S.NAIK, PRINCIPAL SCIENTIST (GROUNDNUT), ACHARYA N.G.RANGA AGRICULTURAL UNIVERSITY, LAM, GUNTUR (A.P.) BY THE UNIVERSITY MANAGEMENT.

Date of Sitting : 10-07-2019

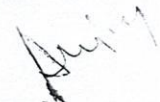
List of Participants present in the sitting is annexed.

Shri B. Chekre Naik, General Secretary, All India Central/PSUs and State Government S.T. Employees Welfare Association, Hyderabad, vide his representation dated 22-9-2018 has represented before the Commission that the S.T. Officer namely Dr. K.S.S.Naik, presently working as Principal Scientist (Groundnut) in Acharya N.G.Ranga, Agricultural University (ANGRAU), Lam, Guntur is being harassed by the Vice Chancellor, Registrar and Director of Research, ANGRA University, Lam, Guntur by way of issuing baseless/false memos, show cause notices and instigating inquiry committee to find fault and depriving him from his legitimate right of Heading of the Agriculture Research Station, Kadiri. Dr.K.S.S.Naik was transferred from ARS Kadiri to College of Agriculture, Naira, Srikakulam and later on he was demoted to the post of Associate Professor.

Aggrieved by the transfer order from Registrar, ANGRAU, Dr.Naik approached the Hon'ble High Court of Judicature at Hyderabad for the State of Telangana and the State of Andhra Pradesh. The Hon'ble High Court ordered the ANGRAU Authorities to reinstate Dr. K.S.S.Naik in the of HEAD, ARS, Kadiri and kept aside the transfer order issued by Registrar, ANGRAU. However, the University Authorities did not implement the Hon'ble High Court orders and instead of this, his harassment continued by way of not allowing to join the duty and non-payment of salary. Dr. Naik then filed a contempt petition before the Hon'ble High Court and Hon'ble Court took serious note on non implementation of Court's orders dated 31-7-2018. The Hon'ble Court vide its order dated 4-12-2018 directed to University authorities for immediate compliance of High Court's order dated 31-7-2018 and 6-11-2018. But the University authorities did not comply with Hon'ble Court's orders to till date.

After Hon'ble High Court's order dated 31-7-2018, Dr.Naik submitted joining report to the Registrar, ANGRAU. But he was not allowed to join the duty and no salary was given to him.


2 Earlier, the Commission took up this case with the University authority and subsequently two sittings were held on 11.01.2019 and 27.03.2019 in the Commission. During the sitting held on 11.01.2019, the Commission had made the following recommendations.


शुश्री अनुसुईया उइके/Miss Anusuiya Uikey
उपाध्यक्ष/Vice Chairperson
राष्ट्रीय अनुसूचित जनजाति आयोग
National Commission for Scheduled Tribes
भारत सरकार/Govt. of India
नई दिल्ली/New Delhi

- The Vice Chancellor and Registrar, ANGARU should implement the Hon'ble High Court of A.P. and Telangana order dated 31-7-2018 in toto with immediate effect
- The University authorities should release petitioner's (Dr.Naik) salary w.e.f. 1-8-2018 to till date within seven days period, failing which the provisions of Atrocity Act will be invoked.
- Dr.Naik's transfer should be reviewed and he should be considered to be posted as Head, ARS Kadiri.
- The demotion order of Dr.Naik should also be reviewed and cancelled. He should be reinstated to the post of Professor/Principal Scientist in the University.
- The University authorities should ensure that no further harassment/injustice be mated out against the S.T. petitioner/
- An action taken report on the recommendation of the Commission should be submitted within 15 days from the receipt of the Proceedings.

Since, the Commission's recommendations were not implemented and therefore, another sitting was held on 27.03.2019. In this sitting, the Commission reiterated its earlier recommendations and also recommended that the salary should be released to the petitioner from the period 01.08.2018 immediately and restore his position as Principal Scientist (Groundnut) and Head ARS Kadiri immediately, by keeping all malafide allegations aside as the University could not prove the same till date and also he should be provided T.A. & D.A. for attending the sitting held in the NCST.

3. As the Commission's recommendations could not be implemented and therefore, a sitting was fixed on 10.07.2019 in the Commission.
4. In sitting, the Registrar and Assistant Registrar, ANGR Agricultural University, Lam, Guntur appeared. The petitioners were also present.
5. During the sitting on 10.7.2019, the Petitioner informed the Commission that the recommendations made by the Commission after its earlier sittings were not implemented by the ANGR Agricultural University in Andhra Pradesh.
6. The Registrar of the University, who appeared in the sitting was asked as to why the recommendations were not implemented by the University, informed that Sh. Naik was demoted to a lower grade after some allegations against him was enquired into and after


 सुश्री अनुसुईया उइके/Miss Anusuiya Uikay
 उपाध्यक्ष/Vice Chairperson
 राष्ट्रीय अनुसूचित जनजाति आयोग
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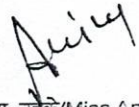
enquiry it was found that some of the allegations were proved to be true and as a result he was punished. Since the punishment is in place, it is not possible for the University to post him as Head of the A R S Kadiri. Moreover, the matter is in the Andhra Pradesh High Court.

7. With regards to payment of salary to Shri Naik with effect from 1.8.2018, the Registrar informed that Sh. Naik did not work during those days hence "No Work No Pay" policy will be applicable. Therefore, he was asked to apply for sanction of any kind of leave in his credit and thereafter his absence can be regularized by sanctioning whatever leave in his credit.

8. The Petitioner went on pleading with the Commission that he has been harassed by the University for the last so many years. He requested the Commission that the Commission should give him justice and prevent the university people for further harassing him. The issues raised by the Petitioner was again discussed in detail in the sitting and thereafter, the Commission made the following recommendation: -

- (i) The Commission observed that Shri Naik was demoted as a punishment after completion of due process. But the allegations could have been false and on account of vend ata. Sh. Naik was, therefore, advised to file an appeal before the competent authority against his punishment and subsequent demotion.
- (ii) Regarding release of the Petitioner's salary w.e.f. 1.8.2018, the Commission recommends to the Petitioner that he should apply for leave for those period he remained absent from duty and the University should grant leave of any kind in his credit and regularize his absence from duty and release his salary w.e.f. 1.8.2018.
- (iii) The Commission also advised to the Petitioner that since his case is before the Hon'ble High Court of Andhra Pradesh, he should place all his grievances and alleged harassment and ill-treatment by the University before the Hon'ble High Court including the recommendations of the Commission before the High Court.
- (iv) Regarding TA/DA to Sh. Naik to attend the hearing/sitting in the Commission in Delhi, the Commission again recommends to the University that it should consider to make the payment of TA/DA to him for attending the sitting in Delhi.
- (v) It was also again recommended to the University authorities that they should not harass an ST Professor and a positive approach should be taken in favour of Sh. Naik so that he should not feel harassed and he should be allowed to work in a peaceful atmosphere.

9. An action taken report should be provided to the Commission by the University within 30 days.


सुश्री अनुसुईया उईके/Miss Anusuiya Uikay
उपाध्यक्ष/Vice Chairperson
राष्ट्रीय अनुसूचित जनजाति आयोग
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NATIONAL COMMISSION FOR SCHEDULED TRIBES

Annexure

(File No. BCN/3/2018/STGAP/SEHRMT/RU-IV)

List of participants

NCST

1. Miss. Anusuiya Uikey, Hon'ble Vice-Chairperson (In chair)
2. Shri P.T. Jameskutty, Consultant
3. Shri Y.K. Bansal, Research Officer
4. Shri Gaurav Kumar, PS to Hon'ble VC
5. Shri H.R. Meena, Sr. Investigator

Officers of ANGR Agriculture University, Lam, Guntur (AP)

1. Shri. Bhaskara Rao, Registrar, ANGRAU
2. Shri Anthony Das, Assistant Registrar

Petitioners

1. Shri B. Chekre Naik
2. Dr. K.S.S. Naik