Government of India
National Commission for Scheduled Tribes
(A Constitutional Commission set up under Art. 338A of the Constitution of India)

File No. EM/21/2014/MFIN9/SEHRMT/RU-IV 25.10.2016

To,

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

Sub: Representation of Eshwar Malkapure, AAO, LIC of India, SO, Humnabad, Raichur Division, Karnataka regarding harassment.

Sir,

I am directed to enclose a copy of the Proceedings of the Sitting held in the National Commission for Scheduled Tribes on 01.09.2016 on the above mentioned subject for necessary action and to send the action taken report to the Commission at an early date.

Yours faithfully,

7355-56
20/10/16

(V.P. Shahi)
Assistant Director

ISSUED

Copy to:-

Shri Eshwar Malkapure,
Sr. No. 615049, AAO,
LIC of India, SO Humnabad,
District Bidar,
Karnataka.

O/C

NATIONAL COMMISSION FOR SCHEDULED TRIBES

File No. EM/21/2014/MFIN9/SEHRMT/RU-IV

Proceedings of the Sitting taken by the Vice-Chairperson, NCST on 01.09.2016 in the matter of Shri Eshwar Malkapure, AAO, LIC of India, Raichur Division, Karnataka regarding harassment.

Date of sitting: 01.09.2016

List of the officers present: (Annex I)

In continuation to the discussion held in the Commission on 12.10.2015 in the matter of Shri Eshwar Malkapure, AAO, LIC of India, Raichur Division, Karnataka, it has been explained that two other officers namely Smt. Ajitha and Shri V. Uma Sekhar have not been punished and no action has been taken against them. LIC officers stated that due procedure were followed in the case and Shri Eshwar Malapure has been awarded the punishment of reduction in basic pay by 6 stages. The petitioner submitted an appeal before the Appellate Authority and the same was rejected on 16.08.14 by the competent authority. The Commission noted that this is a case of financial embezzlement and administrative action has been taken by LIC as per procedure. Since the loss incurred to LIC to the tune of Rs. 1,00,000/- has already been recovered from Shri Eshwar Malkapure, the Commission feels that the stoppage of 6 increments with effect from December, 2013 is on the higher side and advised LIC to reduce the same appropriately and also to see that there is no discrimination if any being a ST candidate who belongs to a downtrodden family.

रवि ठाकुर/RAVI THAKUR
उपाध्यक्ष/Vice Chairperson
राष्ट्रीय अनुसूचित जनजाति आयोग
National Commission for Scheduled Tribes
भारत सरकार/Govt. of India
नई दिल्ली/New Delhi

2. Shri Eswar Malkapure again represented to the Commission on 12.10.2015 in which he stated that the penalty of reduction of 6 stages has not been restored to him. Further, he submitted that he has been suspended from February, 2012 to August, 2012 by the LIC. He requested the Commission to advice the LIC of India to regularise the suspension period. (which has been marked as dies non period.)

3. LIC of India replied vide letter dated 23.08.2016. On examination of the case, the Hon'ble Vice-Chairperson fixed a Sitting for hearing the case on 01.09.2016 with the Chairman, LIC of India, Mumbai, Maharashtra and the petitioner, Shri Eshwar Malkapure.

4. The meeting was attended by the Chief, Liaison Office, LIC of India, New Delhi and Assistant Secretary, Liaison Office, CO, Delhi.

5. The petitioner argued that in the incident that occurred, in which a sum of Rs. 1 lakh was missing, the mistake was unintentional and the officer holding safety No. 1 and the Branch Manager who would check and certify the days collections were equally responsible for the event.

6. To this, the officers of LIC responded that in the case of Shri Eshwar Malkapure, disciplinary action was taken as per LIC (Staff) Regulations, 1960 and also, he was given reasonable opportunity for his defence, at every stage. The role of other two officers were strictly examined as per the (Staff) Regulations Act, and punishment to them were awarded accordingly. They also added that his appeal was rejected by the Appellate Authority and subsequently, he preferred a memorial to the Chairman for reduction/removal of punishment which was considered and rejected as such, he had exhausted all avenues for redressal of his grievances.

7. The petitioner said he doubted the integrity of the Enquiry Officer and therefore he requested for a new person to be appointed as an Enquiry Officer. The respondent maintained that the Enquiry Officer and the P O are found to be fair.

RAVI THAKUR
Chairman/Vice Chairperson
राष्ट्रीय अनुसूचित जनजाति आयोग
National Commission for Scheduled Tribes
भारत सरकार/Govt. of India
नई दिल्ली/New Delhi

8. The officers also stated that for the regularisation of the suspension period, he can appeal to the zonal management and will be considered accordingly.

9. The petitioner further maintained that his punishment was too harsh and cited other example of intentional fraud where the punishment awarded were much lesser than the punishment to him. An example he cited was one where a financial irregularity of more than 1 crore was found and the defaulter was awarded only 3 increments.

10. To this, the officers of the LIC stated that the petitioner may forward the said examples and they will verify the penalty example accordingly and if found true, concession may be given to him.

11. The petitioner further said that his mistake was unintentional, and that he had lost 6 years of increments. On being asked by the Commission want can be done in this case, the respondents replied that if the mistake was committed by someone the petitioner should have filed an FIR then and there and could have stated the Commission same and advised that his regularisation of the suspension period (from February, 2012 to August, 2012) be earnestly considered to his favour. Also, the Commission advised that the LIC authorities verify the other penalty cases as described by the petitioner and thereafter impose his punishment accordingly. The Commission also advised that he being from a downtrodden ST community, concession may be given to Shri Eshwar Malkapure.

रवि ठाकुर/RAVI THAKUR
उपाध्यक्ष/Vice Chairperson
राष्ट्रीय अनुसूचित जनजाति आयोग
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NATIONAL COMMISSION FOR SCHEDULED TRIBES

Annexure-1

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List of participants

NCST

1. Shri Ravi Thakur, Hon'ble Vice Chairperson (In chair)
2. Mrs. K.D. Bhansor, Director
3. Ms. N. Singsit, Assistant Section Officer

Officers of LIC of India

1. Smt. Jayashree A Shankar, Chief (L) (Liaison)
2. Shri M. K. Rajora, Assistant Secretary, (Liaison)

Petitioner

Shri Eshwar Malkapure