



भारत सरकार

राष्ट्रीय अनुसूचित जनजाति आयोग

GOVERNMENT OF INDIA

NATIONAL COMMISSION FOR SCHEDULED TRIBES

File No. MKO/16/2016/MCVL1/SEOTH/RU-III

छठी मंजिल, 'बी' विंग, लोक नायक भवन

खान मार्केट, नई दिल्ली -110003

6th floor, 'B' Wing Loknayak Bhawan,
Khan Market, New Delhi-110003

दिनांक /Dated: 31.10.2016

To,

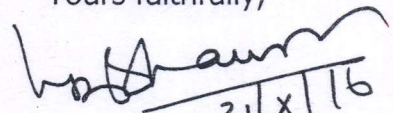
The Chairman - cum Managing Director,
Air India Limited
National Aviation Company of India Ltd,
Airlines House ,113 Gurudwara Rakabganj Road,
New Delhi-110001

Sub: Representation dated 29.08.2016 of Shri Manoj Kumar Oraon,
Supervisor(Commercial) Staff no. 703036, Ai, T3, IGI Airport, Delhi regarding
appeal against punishment.

Sir,

I am directed to enclose a copy of Proceedings of the Sitting taken by Hon'ble
Chairperson, NCST, on 04.10.2016 for taking necessary action and to send the
compliance report to the Commission urgently.

Yours faithfully,


31/10/16
(K.D. Bhansor) Mrs.

Director

Copy to:

Shri Manoj Kumar Oraon, Supervisor (Commercial) Staff no. 703036, Ai, T3, IGI
Airport, Delhi

Tel.:011-24657271, 011-24615012, 011-24624714, Fax: 011-24604689, 011-24624191

NATIONAL COMMISSION FOR SCHEDULED TRIBES

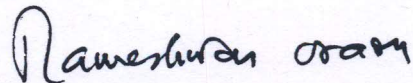
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Proceedings of the Sitting taken by the Chairperson, National Commission for Scheduled Tribes (NCST) on 04.10.2016 in the matter of Shri Manoj Kumar Oraon, Supervision (Commercial) Air India Limited

Shri Manoj Kumar Oraon submitted his representation dated 29.08.2015 to the Commission pointing out that penalty of reduction to the lowest pay scale was imposed, by Air India which resulted in financial loss and a loss of 10 years Seniority, also discrimination was caused to him as Air India for similar mistake committed by others did not penalise them.

2. In reference to petition of Shri Manoj Kumar Oraon, Commission vide notice dated 29.08.2015, called a report.
3. Air India submitted its reply vide letter No. DEL/GM(P) dated 29.09.2016.
4. After examination of Petition and reply of Air India, Commission, prima facie, noted that the rules of conducting domestic inquiry were not followed by it. In the interest of justice, it necessitated for having a Sitting. Accordingly, Sitting was scheduled and held with CMD and other Senior officials of Air India. List is at Annexure I.
5. During the Sitting, Shri Manoj Oraon made the following submissions before the Commission: -
 - a) That he was not given due opportunities to defend his case effectively as documents sought by him to submit proper and effective reply to Charge Sheet were not made available.
 - b) That during preliminary hearing, the Inquiry Officer (I.O) is bound to follow the rules of domestic inquiry, as notified by DoPT / GOI. Accordingly, I.O. was required to take action in obtaining additional documents sought by Shri Oraon during inquiry, enabling him to submit his reply in his defence. But no action was taken by the I.O.
 - c) Rules of GOI requires, that speaking order be issued in case of request of the employee for defence documents/witnesses is rejected. No speaking order was issued.

Page 1 of 2



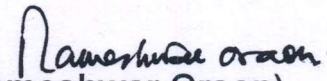
डा. रामेश्वर उराव/Dr. RAMESHWAR ORAON
अध्यक्ष/Chairperson
राष्ट्रीय अनुसूचित जनजाति आयोग
National Commission for Scheduled Tribes
भारत सरकार/Govt. of India

- d) For the same charge, Management of Air India has awarded punishment of reduction to the lowest Pay Scale and also ordered for recovery of actual loss. This is an apparent case of awarding double punishment.
- e) As per rules and various judgments of the courts, penalty is to be awarded commensurate with the nature of guilt, hence punishment awarded is much higher for committing a mistake in issuing three free tickets under scheme of Air India. Such air tickets were not issued by him with any malafidy intentions but was mistake due to lack of understanding / communication gap about the provisions of the scheme. Also, he was not trained or properly briefed for the job.
- f) Management of Air India has clearly discriminated with him, being Scheduled Tribe, because in similar cases, mistakes committed by other employees have been let off without imposition of any penalty whereas he has been awarded punishment.

6. In response to above, Management of Air India mentioned that issues raised by Mr Manoj Oraon shall be considered while deciding his appeal pending with the appellate authority.

7. Commission broadly agreed with the submissions of petitioner and advised the Management of Air India to review the case in the interest of Justice.

8. Action taken report on the above be submitted by the Air India Ltd. to the Commission within one month of receipt of proceedings of the Sitting.


(Dr. Rameshwar Oraon)
Chairperson, NCST.

डा. रामेश्वर उरांव/Dr. RAMESHWAR ORAON
अध्यक्ष/Chairperson
राष्ट्रीय अनुसूचित जनजाति आयोग
National Commission for Scheduled Tribes
भारत सरकार/Govt. of India
नई दिल्ली/New Delhi