

Speed Post



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

File No. KR/3/2017/STGAP/SEOTH/RU-IV

Dated: 17.08.2017

To,

1. The Chief Secretary,
Government of Andhra Pradesh,
1st Floor, 1st Block,
A.P. Secretariat, Velgapudi,
Amaravati - 522 238. (AP).
2. The Special Chief Secretary to Govt. (RD),
Panchayat Raj & Rural Development Department,
A.P. Secretariat, Velgapudi, Amaravati,
District - Guntur
(Andhra Pradesh).
3. The Principal Secretary,
Tribal Welfare Department,
Government of Andhra Pradesh,
AP Secretariat,
Velgapudi, Amaravati -522 503
Guntur Dist. (AP).

Sub: Representation dated 17.04.2017 received from Shri K. Ramesh, H.No. Plot No. 83 HIG Colony, Tanasha Nagar Flat NO. 9B Eden Garden, Near Karur Vysya Bank Manikonda, Ranga Reddy-District, Hyderabad-500075 regarding harassment of ST employee.

Sir,

I am directed to enclose a copy of the proceedings of the Sitting taken by Shri Nand Kumar Sai, Hon'ble Chairperson, National Commission for Scheduled Tribes on 31.07.2017 at 03.00 PM on the above mentioned subject for necessary action. Action taken report in the matter may be intimated to the Commission, at an early date.

Yours faithfully,

D.S. Kumbhare
17-8-2017
(D.S. Kumbhare)
Under Secretary

Copy to:-

Shri K. Ramesh,
H.No. Plot No. 83 HIG Colony,
Tanasha Nagar Flat No. 9B Eden Garden,
Near Karur Vysya Bank Manikonda,
Ranga Reddy-District,
Hyderabad-500075
(Telangana)

O/C
5583-86
17/8/17
ISSUED

NATIONAL COMMISSION FOR SCHEDULED TRIBES

File No. KR/3/2017/STGAP/SEOTH/RU-IV


Proceedings of the Sitting taken by Shri Nand Kumar Sai, Hon'ble Chairperson, NCST on 31.07.2017 at 03.00 p.m. in the matter of Shri K. Ramesh, Ex- Project Director, DWMA, Dr. YSR District, Kadapa (H. No. Plot No. 83 HIG Colony, Tanasha Nagar, Flat No. 9B, Eden Garden, Near Karur Vyasya bank, Manikonda, Ranga Reddy District, Hyderabad) regarding harassment by the District Collector, YSR District Kadapa.

Date of sitting: 31.07.2017

List of the officers present is Annexed

Shri K.Ramesh, Ex- Project Director, District Water Management Agency (DWMA), Dr. YSR District, Kadapa (Andhra Pradesh) vide representation dated 17.04.2017 has requested for justice regarding proceedings dated 23.03.2017 initiated by the District Collector, Dr. YSR District, Kadapa for surrendering/repatriating him to his parent cadre.

2. Representation was referred to the Special Chief Secretary, Panchayati Raj and Rural Development Department, Government of Andhra Pradesh for furnishing the facts in the matter vide NCST notice No. KR/3/2017/STGAP/SEOTH/RU-IV dated 18.04.2017. Chief Secretary, Government of Andhra Pradesh vide letter No. 28027/30/RD-II/2017 dated 18.05.2017 has furnished the factual report on the allegations raised by Shri K. Ramesh, Project Director (Ex), DWMA, Kadapa District. In this letter, it was informed that the period of deputation of Shri K. Ramesh, Assistant Professor of Acharya NG Ranga Agriculture University as Project Director (Ex), DWMA, Kadapa was completed on 25.03.2017. On completion of his deputation period in Rural Development, he has been repatriated to his parent Department. Copies of the letter dated 11.05.2017 of the Commissioner, Panchayati Raj and Rural Development Department, letter dated 09.05.2017 of the District Collector, YSR District, Kadapa, letter dated 22.03.2017 of Joint Collector, YSR District, Kadapa and other related reports/papers were also forwarded with the letter.



नन्द कुमार साय/Nand Kumar Sai
अध्यक्ष/Chairperson
राष्ट्रीय अनुसूचित जनजाति आयोग
National Commission for Scheduled Tribes
भारत सरकार/Govt. of India
नई दिल्ली/New Delhi

3. As per procedure adopted by the Commission for dealing with the cases, the letter dated 18.05.2017 of Chief Secretary was sent to Shri K. Ramesh for satisfaction vide letter No. KR/3/2017/STGAP/SEOTH/RU-IV dated 25.05.2017. Shri K. Ramesh vide representation dated 26.05.2017 has refuted the information/facts furnished by the Chief Secretary, Govt. of Andhra Pradesh. It was again stated that the remarks on photo of Ms. R. Vimāla as "Malle Poolu Bagunnai" were simple remarks and not any derogatory or exploiting remarks covered under the Sexual Harassment Act neither she complained about this. Joint Collector has not taken the other conversation on the Whatsapp Group after that sentence.

4. Facts/information received from the Chief Secretary, Government of Andhra Pradesh and issue raised by Shri K. Ramesh in rejoinder dated 26.05.2017 were contradictory. Therefore, Commission decided to discuss the issue with the Chief Secretary, Government of Andhra Pradesh, Special Chief Secretary, Panchayati Raj and Rural Development Department and Secretary, Tribal Welfare Department, Government of Andhra Pradesh and the petitioner to resolve the matter. Accordingly, NCST fixed a Sitting for 31.07.2017 and issued notice vide letter No. KR/3/2017/STGAP/SEOTH/RU-IV dated 21.07.2017 to all concerned.

5. Chief Secretary, Government of Andhra Pradesh vide letter No. 28207/30/RD-II/2017 dated 25.07.2017 has informed that Shri K. Ramesh was withdrawn the petitions filed before the Hon'ble High Court of Andhra Pradesh and Administrative Tribunal of Andhra Pradesh. It was also informed that the Govt. have repatriated Shri K. Ramesh to his parent Department only after completion of his tenure, which was mentioned at the time of taking his services on deputation in Rural Development Department vide GO RT No. 293, PR&RD (RD-II) Department dated 26.03.2016 and the action on the allegation against the petitioner will be taken after finding out of facts on the allegations and as per existing rules. In view of the pre-scheduled meetings, Shri M. Ramajaneyulu, Commissioner of PR&RD, who is dealing with the subject of Rural Development Department as Head of the Department is authorised to attend before the Commission on 31.07.2017 to explain the facts on the points raised by the petitioner.

6. The Commission asked Shri K. Ramesh to explain his grievance. Shri K. Ramesh told that false and fabricated charges were levelled against him by the

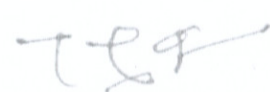

नन्द कुमार साय/Nand Kumar Sai
अध्यक्ष/Chairperson
राष्ट्रीय अनुसूचित जनजाति आयोग
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Joint Collector and Collector of YSR District, Kadapa. The District Collector, Y.S.R District, Kadapa vide letter No. A1/366/2017 dated 23.03.2017 has repatriated him to his parent cadre Department and handed over the charge of Project Director, DWMA to Shri B. Anil Kumar Reddy, Project Director, DRDA, Kadapa. In respect of remarks on photo of Ms. R. Vimala as "Malle Poolu Bagunnai", he stated that these were simple remarks. He never sexually harassed the employees of the DWMA and requested for extension of his deputation period.

7. The Commission enquired about meaning of the word "Malle Poolu Bagunnai" which is a Telugu word, from the Commissioner, PR&RD, Government of Andhra Pradesh. Commissioner, PR&RD, explained that "Malle Poolu Bagunnai" means the flowers are good (wherein as per report dated 22.03.2017 of Joint Collector, "Malle Poolu Bagunnai" means the jasmine flowers in your hair are lovely).

8. As per explanation given by Commissioner, PR&RD, Commission observed that "Malle Poolu Bagunnai" means "the flowers are good", other than that Shri K. Ramesh has not said anything. It means Shri K. Ramesh has not said anything against anything to harass concerned women. Further, grounds/facts in the matter were enquired from the Commissioner, PR&RD. Commissioner, PR&RD could not convince the Commission of the justified grounds on which Shri K. Ramesh was repatriated to his parent Cadre by the District Collector, YSR District. It was observed on this ground that the State Government of Andhra Pradesh should not have repatriated Shri K. Ramesh, Ex-Project Director, DWMA, Kadapa to his parent department without giving proper opportunity.

9. In view of the above, the Commission suggested that the Chief Secretary, Government of Andhra Pradesh & District- Collector, YSR District collectively to reconsider the case of Shri K. Ramesh within 15 days from receipt of the proceedings of the Sitting and report to the Commission. If Commission does not receive reply within stipulated time, Commission will exercise its power conferred under Clause (8) of Article 338A of the Constitution and call the Collector, YSR District, Kadapa and Chief Secretary, Andhra Pradesh for personal appearance before the Commission.


नन्द कुमार साय/Nand Kumar Sai
अध्यक्ष/Chairperson
राष्ट्रीय अनुसूचित जनजाति आयोग
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NATIONAL COMMISSION FOR SCHEDULED TRIBES

(File No. KR/3/2017/STGAP/SEOTH/RU-IV)

List of participants

National Commission for Scheduled Tribes

1. Shri Nand Kumar Sai, Hon'ble Chairperson In Chair
2. Shri Hari Krishna Damor, Hon'ble Member
3. Smt. Maya Chintamn Ivrate, Hon'ble Member
4. Shri Raghav Chandra, Secretary
5. Shri Sisir Kumar Ratho, Joint Secretary
6. Shri D.S. Kumbhare, Under Secretary
7. Shri R. S. Misra, Sr. Investigator

• Officers of Government of Andhra Pradesh

Shri Ramnjaneyulu, Commissioner,
Panchayat Raj and Rural Development Department

Petitioner

Shri K. Ramesh