



राष्ट्रीय अनुसूचित जनजाति आयोग
National Commission for Scheduled Tribes
(भारत के संविधान के अनुच्छेद 338क के अंतर्गत एक संवैधानिक निकाय)
(A Constitutional body under Article 338A of the Constitution of India)

F.No NCST/SER-732/MFIN/45/2023-SSW

Dated: 18.01.2024

To,

Shri Shanti Lal Jain
Managing Director & CEO,
Indian Bank,
Avvai Shanmugam Salai,
Royapettah, Chennai (Tamil Nadu) - 600014
Email:- md@indianbank.co.in, Tel. No: 04428134300

Sub:- Discrimination and harassment of ST employee by the India Bank - a rep. dated 05.07.2019 of Shri D.S. Tomar (Sr. Manager, India Bank, Dismissed), Ghaziabad (UP).

महोदय,

I am directed to enclose herewith a copy of the minutes of meeting held under the Chairmanship of Shri Ananta Nayak, Hon'ble Member, NCST on 19.12.2023 at 04:00 PM in the National Commission for Scheduled Tribes, Lok Nayak Bhawan, Khan Market, New Delhi 110003 on the above mentioned subject.

It is requested that the action taken/ to be taken in the matter may be intimated to NCST within stipulated time from receipt of the letter for placing it before the Hon'ble Member.

Yours faithfully,

(आर.एस.मिश्र / R.S. Misra)

अनुसंधान अधिकारी / Research Officer

Tel:- 011-24641640

Copy to :-

Shri D.S. Tomar,
Flat No. 1210, 2nd Floor,
Divyansh Pratham, Near DPS Indrapuram,
Ghaziabad-201014 (UP)
(Mob No. 9818606043) (Email: dhoomtomar832192gmail.com)

Copy for information

1. PS to Hon'ble Member, NCST.
2. NIC, NCST for uploading on the website of the Commission.

National Commission for Scheduled Tribes

Minutes of the meeting held under the Chairmanship of Shri Ananta Nayak, Hon'ble Member, National Commission for Scheduled Tribes at Lok Nayak Bhawan, New Delhi, in the case of Shri Dhoom Singh Tomar, (Sr Manager, Indian Bank, Dismissed) regarding non-payment of gratuity and other issues.

(F. No. NCST/SER-732/MFIN/45/2023-SSW)
Date of the meeting: 19.12.2023, 04:00 PM

Participants in the Sitting - As per Annexure

Shri D.S. Tomar (Sr. Manager, India Bank, Dismissed), Ghaziabad vide his representation dated 21.11.2022 had stated that the Indian Bank Administration is still harassing him by taking technical possession of Flat No. 1210 where the Applicant resides with his family. The Bank has also not paid his Gratuity to him. A favorable Order was passed by Regional Labour Commissioner (Central), Noida on 19.09.2022 directing the Bank to pay gratuity of Rupees 20 Lakhs along with interest to the Petitioner. The Petitioner states that Bank has become even more vengeful after the said order and instead of complying with the Order they have taken possession of his flat as well.

2. In this case, NCST had convened two (02) Sittings on 10.02.2022 and 24.03.2023. In the Sitting held on 24.03.2023, the Commission's recommendations were as follows:-

- (i) The case of the petitioner to be considered on humanitarian grounds and payment of gratuity to be made as per rules
- (ii) The petitioner's flat not to be auctioned and the gratuity amount may be adjusted against the loan amount.
- (iii) Copy of the Dismissal Order, Appeal and Review Appeal Orders to be submitted within 15 days of the receipt of the minutes

3. The Minutes was communicated to the Bank vide NCST Letter dated 05.04.2023. Indian Bank vide its Letter dated 07.08.2023 had furnished the point-wise reply and informed that :-

- (i) The appeal filed by the Bank against order of payment of gratuity by Regional Labour Commissioner (Noida) was dismissed by Appellate Authority/Deputy Labour Commissioner (Dehradun) on 04.05.2023. The Bank has now approached the Allahabad High Court on 14.07.2023 via Writ petition against order of payment of gratuity.



श्री अन्ता नायक
सदस्य
राष्ट्रीय आयोग
NATIONAL COMMISSION FOR SCHEDULED TRIBES
भवन, नई दिल्ली
New Delhi

(ii) The Staff Housing Loan availed by Shri D. S Tomar, the said account is classified as NPA on 08.08.2018 and Bank has given him sufficient time to regularize the account but he has failed to do so. The Bank tried to auction it on 02.02.2023 but it failed due to no bidders. The total dues involved in said account is 44.59 Lakhs as on 02.05.2023.

4. The Petitioner vide Rejoinder dated 16/10/2023 refuted the facts and comments submitted by the Bank and requested for justice.

5. The Commission decided to discuss the issue with the Authority and Petitioner on 19.12.2023 at 04:00 PM. The CMD, Indian Bank deputed Chief General Manager (HRM) to attend the meeting. In the meeting, the Bank officers pointed out that the issue of gratuity payment is sub-judice before the Hon'ble Allahabad High Court. Hence, the Commission decided to not hold any further discussion on payment of gratuity to the Petitioner.

6. The Petitioner requested that action may not be initiated for auction of his flat. He submitted that he would pay the interest whenever he gets his gratuity payment. The Bank Officials assured the Commission that auction process would be put on hold. The Petitioner again raised the issue of unfair dismissal from Service. The officers of bank pointed out that the process of inquiry, penalty imposition, appeal and review had all been completed long ago and all due processes had been followed. Since review had also been disposed off no other remedy existed with the Bank to reinstate the petitioner.

7. After hearing both the sides, the Commission recommends that Indian Bank may consider the plea of the Petitioner not to auction the Petitioner's flat until the decision of Hon'ble Allahabad High Court regarding the release of gratuity.



संयुक्त सचिव/Secretary
सर्वोच्च न्यायालय
राष्ट्रीय अनुसूचित जाति आयोग
NATIONAL COMMISSION FOR SCHEDULED CASTES
भारत सरकार/Govt. of India
नई दिल्ली/New Delhi

List of participants of the meeting held on 19.12.2023 at 4:00 PM under the Chairmanship of Shri Ananta Nayank, Hon'ble Member, NCST, New Delhi in the case of Shri D.S. Tomar (Sr. Manager, Indian Bank, Dismissed), Ghaziabad (UP) regarding discrimination and harassment of ST employee by the India Bank

I	<u>Indian Bank</u>
1.	Shri T. Dhanraj, CGM-HR
2.	Shri P. Ghosh, AGM HRM
3.	Ms. Tanushree Sahoo, Assistant Manager (HRM)
II	<u>Petitioner</u>
	Shri D. S. Tomar