

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. BCN/12/2016/STGAP/SEOTH/RU-IV

Dated: 13.10.2017

To,

The Vice-Chairman & Managing Director,
Andhra Pradesh State Road Transport,
APSRTC Corporate Office, RTC X Road,
Hyderabad - 500 001 (AP).

Sub: Proceedings of the sitting taken by Hon'ble Vice-Chairperson, National Commission for Scheduled Tribes (NCST) on 08.09.2017 at 12.00 Noon in the matter of Shri B. Gopal Naik, Conductor, by way of denying him the post of ADC/BC under ST quota by APSRTC authorities.

Sir,

I am directed to enclose a copy of the Proceedings of the Sitting held in the National Commission for Scheduled Tribes on 08.09.2017 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
13-10-2017
(D.S. Kumbhare)
Under Secretary
Ph. No. 24657271

Copy to:-

- (1) Shri Gopal Naik,
Conductor, APSRTC,
Kadiri Depot,
Anadnthapuramu District,
Andhra Pradesh.
- (2) Shri B. Chekre Naik,
General Secretary,
All India Central/PSUs and State Government,
ST Employees Welfare Association,
H. No. 1-1-385/12/17/1, Flat No. 302,
Pranav Residency, Gandhi Nagar - 500 080
Hyderabad, (Telanagana).

Copy to:-

1. PS to Hon'ble Vice-Chairperson
2. Director/Assistant Director/Research Officer of Regional Offices of NCST at Bhopal/Jaipur/Bhubaneswar/Raipur/Ranchi/Shillong
- ✓ 3. NIC, NCST (for uploading on website of NCST).

NATIONAL COMMISSION FOR SCHEDULED TRIBES


(F.No.- BCN/12/2016/STGAP/SEOTH/RU-IV)

Proceeding of the sitting taken by Miss Anusuiya Uikey, Hon'ble Vice Chairperson, NCST on 08.09.2017 at 12.00 p.m. in the matter of Shri B. Chekre Naik, General secretary, All India Central / PSU & state Govt. ST Employee Welfare, Hyderabad regarding harassment of Shri B.Gopal Naik, Conductor by way of denying him the position of the ADC / BC under ST quota by APSRTC authorities.


Date of Sitting : 08.09.2017

List of the officers : Annexure 1

1. Shri B. Chekre Naik, General secretary, All India Central/PSU & state Govt. ST Employee Welfare, Hyderabad vide representation dated 20.10.2016 has requested for intervention and Natural justice regarding harassment of Shri B.Gopal Naik, Conductor by way of denying him the position of the ADC / BC under ST quota by APSRTC authorities on the ground of an accident while on duty and subsequent handicap.
2. In the pursuance of the matter The Hon'ble Vice-Chairperson, NCST held a sitting on 01.11.2016 with the Vice-Chairman and managing director, APSRTC and petitioner. The copy of the proceeding issued to all concerned on 15.12.2016. Commission mentioned that the action taken report in the matter may be intimated to the commission at an early date.
3. Executive director, APSRTC by letter no- R5/329(08)2016-R&T dated 08.03.2017 reply to the commission on the matter.
4. The petitioner again represented the commission on 23.08.2017 and requested for justice. In the pursuance of the second petition Hon'ble Vice-Chairperson, NCST fixed a sitting on 08.09.2017 to discuss the issue with the Vice-Chairman and managing director, APSRTC and petitioner vide notice dated 25.08.2017.


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

5. The Vice-Chairman and managing director, APSRTC vide letter dated 05.09.2017 has informed that, he has to attend the 140th Governing Council Meeting at CIRT, Pune on 08.09.2017 as its member. The date for that meeting was fixed long back. He has requested for exemption for attending the said meeting and Executive Director (Admn) has been authorized by him to attend the sitting of the commission on his behalf.
6. Chief Personal Manager and Deputy Chief Personal Manager APSRTC Provided the fact before the commission with the reference of their department communication e.g.
7. Commission discuss the issue with Executive Director (Admn) in the sitting and found that Shri B. Gopal Naik injured on duty and he is honest employee of APSRTC. On the legal ground it is observed that APSRTC not follow the provisions prescribed in "The Person with disabilities (equal opportunities, protection of rights and full participation) Act, 1995" which reproduced bellow-
**"47. Non Discrimination in Government employment- (1) No establishment shall dispense with, or reduce in rank, an employee who acquires a disability during his service:
Provided that, if an employee, after acquiring disability is not suitable for the [post he was holding could be shifted to some other post with the same pay scale and service benefits:
provided further that if it is not possible to adjust the employees against any post, he may be kept on a supernumerary post until a suitable post is available or he attains the age of superannuation whichever is earlier.
(2) No promotion shall be denied to a person merely on the ground of his disability:
Provided that the appropriate Government may, having regard to the type of work carried on in any establishment, by notification and subject to such conditions, if any, as may be specified in such notification, exempt any establishment from the provisions of this section."**
8. The Commission found that the rules have not been followed by APSRTC in this case. Therefore, the commission advice to APSRTC that the APSRTC give him equivalent post and consequential benefits as well as medical expenses as per the rules.


सुश्री अनुसुइया उइके/Miss Anusuiya Uikey
उपाध्यक्ष/Vice Chairperson
राष्ट्रीय अनुसूचित जनजाति आयोग
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Annexure 1

NATIONAL COMMISSION FOR SCHEDULED TRIBES

(F.No.- BCN/12/2016/STGAP/SEOTH/RU-IV)

National Commission for Scheduled Tribes

1. Miss Anusuiya Uikey, Hon'ble Vice Chairperson, NCST
2. Smt. K.D. Bhansor, Director
3. Shri D.S. Kumbhare, Under secretary
4. Shri Gaurav Kumar, P.S. to Vice Chairperson
5. Shri R.K. Dubey, Assistant Director
6. Shri R.S. Misra, senior Investigator

Officers of Andhra Pradesh State Road Transport

1. Shri A. Venkateshwar Rao, Executive Director
2. Shri V. Sridhar, Deputy CPM