



Government of India
National Commission for Scheduled Tribes
6th floor, 'B' Wing, Loknayak Bhawan
Khan market, New Delhi-110 003.

Dated: 04.06.2012

No. BSM/14/2009/MFIN9/SEPROM/RU-IV

To

The Chairman & Managing Director
National Insurance Company Limited,
3 Middleton Street,
Kolkata-700 071 (WB)

Sub: Representation of Shri B.S. Meena Development Officer NICL,
regarding promotion to the post of Administrative Officer.

Sir,

I am directed to refer to the Sitting held on 10.04.2012 in the National Commission for Scheduled Tribes on the subject mentioned above and to enclose a copy of the proceeding of the Sitting for necessary action.

2. It is requested that action taken report may please be sent to the Commission at an early date.

Yours faithfully,

(K.D. Bhansor) Mrs.
Deputy Director

Copy for information:

Shri B.S. Meena
DO,(Admn.)
National Insurance Company Ltd,
Sawai Madhopur, Rajasthan.

Deputy Director

Received
Shri B.S. Meena
4/6/12

F. No. BSM/14/2009/MFIN9/SEPROM/RU-IV

Proceeding of the Sitting held in the NCST on 10.04.2012 to discuss the case of Shri B.S. Meena, Development Officer (Admn), National, Insurance Company Ltd. Sawai Madhopur Divisional Office (Raj) regarding promotion to the post of Administrative officer

The following were present:

NCST

1. Dr. Rameshwar Oraon, Hon'ble Chairperson
2. Shri Aditya Mishra, Joint Secretary
3. Smt. K.D. Bhansor, Deputy Director
4. Shri N. Balasubramanian, Research Officer

National Insurance Company Ltd.

1. Shri K.P. Brahma, General Manager
2. Shri D. Bhargava, Chief Manager
3. Shri V.K. Gupta, AM&LO

Petitioner


1. Shri B.S. Meena, Development Officer (Adm),

Issue : Representation of Shri B.S. Meena, Development Officer (Admn), NICL, regarding promotion. to the Post of Administrative officer

Brief of the case

1. Shri B.S. Meena, Development Officer, NICL submitted representations dated 21.07.2009 and 07.08.2009 to the Commission regarding promotion to post of the Administrative Officer inviting the attention to the proceedings issued by the Commission to NICL of the Sitting held in NCST on 28.09.2006 in which following decision were taken, in the matter.

“ As regards the case of Shri B.S.Meena, Development officer (who has been compulsorily retired), CMD agreed to reconsider the order of compulsory retirement and re-instate Shri Meena in service subject to the followings-.

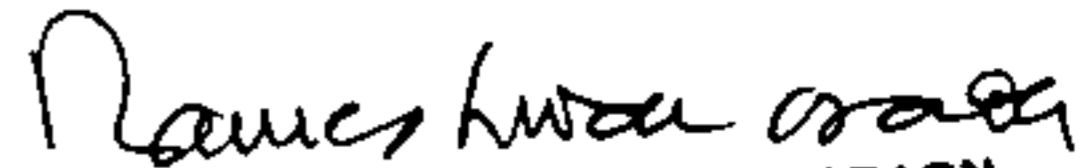

डा० रामेश्वर उरांव / Dr. RAMESHWAR ORAON
अध्यक्ष / Chairman
राष्ट्रीय अनुसूचित जनजाति आयोग
National Commission for Scheduled Tribes
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नई दिल्ली / New Delhi

- (i) Shri Meena will submit a Memorial to the CMD for review of the order of compulsory retirement and request him to reinstate in service.
- (ii) Shri Meena will be shifted from the duties of Development Officer in the company and he will be assigned work relating to 'administration' While doing so Shri Meena will be shifted outside his last posting at Sawai Madhopur but will be retained in some nearby district of Rajasthan.
- (iii) Shri Meena will submit a request to the Company for shifting him from 'development duties' to 'administration duties'.

The Commission stated that in case Shri Meena commits irregularities even after his re-instatement and assignment of work relating to 'administration, the Company will be free to take suitable penal action against him".

2. The petitioner further stated that accordingly he was re-instated into services and there were no cases pending against him. Shri Meena stated that he was entitled for promotion to the post of Administrative officer. The matter was taken up with the CMD, NICL vide letter dated: 19.08.2009. The Chief Manager & CLO, NICL vide letter dated; 7.09.2009.informed that at the behest of the National Commission, Shri B.S. Meena was re-instated in the service and was placed at the initial scale of Development Officer, as a very special case, even after being compulsorily retired from the service as a consequence of imposition of major penalty. The NICL stated that during the time of compulsory retirement of Shri Meena, two other cases were pending and no further action could be taken in respect of these cases. The pending disciplinary cases automatically were reopened with the re-instatement of the service of Shri Meena, since the re-instatement of an employee by amending the penalty of compulsory retirement in one case cannot absolve him in the other ongoing disciplinary cases. The departmental inquiry on the same was recently concluded wherein all the charges have been proved against Shri Meena. The penalty to be imposed is yet to be decided as per the rules.

3. NICL further mentioned that in the light of the above charge sheet and the penalty imposed earlier was still in currency, as per the provisions of CDA Rules and promotion Policy of their Company, the candidature of Shri Meena could not be considered for promotion to the next higher grade .The petitioner was informed of the reply of NICL dated: 18.09.2009.


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4. Shri B.S. Meena submitted rejoinder dated 24.09.2009/subsequent representation dated 18.11.2009 regarding promotion to the post of Administrative Officer in the North Region under ST category refuting the facts brought by the NICL. The matter was again taken up with the CMD, NICL vide Commission's letter dated 23.12.2009. The NICL reiterated vide letter dated 14.01.2010 that during the compulsory retirement from the service, two cases were still pending against Shri Meena. Later, at the intervention of the Commission, Shri Meena was re-instated in the service. It was intimated that re-instatement of an employee by amending the penalty of compulsory retirement in one case cannot absolve him in the other ongoing disciplinary case.

The pending disciplinary cases, therefore, automatically get reopened with the re-instatement of the services of the employee concerned. The position indicated in para 3 was also re-iterated by NICL. Accordingly, disciplinary action was taken under CDA rules against Shri Meena, was not considered for promotion.


5. A copy of above said letter of NICL was sent to the petitioner again 03.02.2010 for his information. Shri Meena again submitted representation/rejoinders dated 10.01.2010, 19.05.2010, 27.09.2010, 12.12.2010 and 17.03.2011 for consideration of his promotion case .

6. The Commission noted it was necessary on the part of the NICL to adopt a uniform procedure in such cases so that Shri Meena does not feel discriminated. A Sitting was therefore, fixed by Hon'ble Chairperson NCST on 10.04.2012 to discuss with CMD , NICL in the matter.

7. On behalf of the CMD, NICL Shri K.P. Brahma, G.M. (Personnel) appeared before the Commission . Shri K.P. Brahma, General Manager apprised of the case details and re-iterated the position as communicated vide NICL letter dated 02.12.2011. In this connection, he also drew attention of the Commission to para 5 of the Promotion Policy ,as quoted in para5 of NICL letter dated 2.12.2011.

8. The petitioner was given opportunity to explain his grievances. Shri Meena stated that there are no charges pending against him and therefore, he should be considered for promotion.

9. Chairperson, NCST asked the General Manager to confirm that a unified procedure was being followed in such matters; whether this was a selective case or the NICL had taken similar stand in all such cases. G.M, NICL confirmed that there had been no discrimination in the case of Shri. Meena and the similar procedure, as applied on him, was being followed uniformly. The Commission


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advised the General Manager NICL, to go through the extent rules on the subject and based thereon, to consider taking action to promote Shri Meena from the date he was entitled for promotion to Administrative officer against the ST post. Shri Meena was also advised to submit his case before the General Manager, NICL, who also agreed to provide a hearing to Shri Meena , should he desires so.

Rameshwar Oraon
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