



सत्यमेव जयते

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)

File No. NCST/SER-791/AP/26/2023-SSW

Dated: 22/07/2024

To,

1. Shri Harish Kumar Gupta,
Director General of Prisons and Correctional
Services CNR Paradise,
(Govt. of Andhra Pradesh)
NH-5, Service Road, Tenali Fly over Junction,
Mangalagiri – 522503
(Email: registry-dgprisons@ap.gov.in)
(Ph No. 08645-233102)

2. Shri Rajeshwer Reddy,
Superintendent of Police,
Central Prison,
District – Nellore,
(Email: cp-nellore@ap.gov.in)
(Ph No.9494633857)

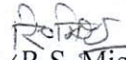
Sub: Harassment of ST employee by the D/o Prisons and Correctional Services, Andhra Pradesh - a rep. dated 20.11.2022 of Shri K. Kishan Naik, Ex-Warder, Central Prison, Nellore.

महोदय,

I am directed to enclosed herewith copy of the minutes of Sitting held under the Chairmanship of Shri Jatothu Hussain, Hon'ble Member, National Commission for Scheduled Tribes (NCST) on 09.07.2024 at 03:20 PM in NCST, New Delhi on the above mentioned subject for information.

It is requested that action taken/ to be taken in the matter may be submitted with stipulated time for placing it before the Hon'ble Member, NCST.

Yours faithfully,


(आर.एस.मिश्र/R.S. Misra)
अनुसंधान अधिकारी/Research Officer
Ph No. 011-24641640

Copy to:-

Shri K. Kishan Naik,
Village & Post-VT Palem,
Mandal-Mirudsuda,
District-Nalgonda-508203
(Mob No. 9182491701)

Copy for information to:-

1. PS to Hon'ble Member (Shri J.H), NCST
2. NIC, NCST for uploading on the website of the Commission.

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National Commission for Scheduled Tribes

Minutes of the Sitting held under the Chairmanship of Shri Jalothu Hussain, Hon'ble Member, National Commission for Scheduled Tribes at New Delhi regarding removal from services of a ST employee by Administration of Central Prison, Nellore (Andhra Pradesh) – a representation dated 20.11.2022 of Shri K Kishan Naik Ex-Warder, Central Prison, Nellore

File: NCS/ SER-791/ API/26/2023-SSW
Date of the Sitting: 09.07.2024, 03:20 PM
Participants in the Sitting: As per Annexure

Shri K. Kishan Naik, Ex-Warder, Central Prison, Nellore vide his representation dated 20.11.2022 had alleged that the D/o Prisons and Correctional Services, Andhra Pradesh had removed from the services and not considered the request for re-joining in the services.

The NCST vide notice dated 10.03.2023 had referred the matter to Principal Secretary, Department of Home, Prisons and Fire Department, Govt. of Andhra Pradesh and Director General of Prisons and Correctional Services, Govt. of Andhra Pradesh, Vijaywada, Krishna (Andhra Pradesh) and requested to furnish the facts and comments within 30 days from the receipt of the notice.

The DG, Prisons and Correctional Services (P&CS), Government of Andhra Pradesh, Guntur vide letter no. Estt-4/360/2023 dated 12.04.2023 has informed furnished the facts and comments and stated that after due procedure, the petitioner was removed from the services on 04.06.2011. Thereafter he has filed a case before the Hon'ble Andhra Pradesh administrative tribunal in 2013 which was dismissed in 2016. The petitioner has also taken the matter to State Government of Andhra Pradesh but his appeal was rejected. In the concluding paragraph of the letter, it was informed that the petitioner was found guilty and acted against the rules of State Government of Andhra Pradesh. Hence he was removed from the services as per rules in force. The reply was forwarded to the petitioner for information on 01.05.2023.

The petitioner vide rejoinder dated 19.05.2023 refuted the facts and comments and requested for justice which was forwarded to concerned authority on 06.03.2024. Department of Home (Prison and Fire Department), Govt. of AP vide letter dated 10.06.2024 has intimated that matter has been referred to DG, Prisons and CS for submission of facts in the matter. The response from DG, Prisons and Correctional Services was not received. Hence, the Commission decided to discuss the issue with the DG, Prisons and Correctional Services, Guntur and Superintendent of Police (SP), Central Prison, Nellore and the petitioner on 09.07.2024. Accordingly, a sitting Notice was issued to concerned authority and petitioner on 01.07.2024. There was no communication from DG, P&CS, Govt. of Andhra Pradesh.

The SP, Central Prison, Nellore along with other officials and the petitioner were present in the Sitting. The petitioner stated that the Prisons Department of the Govt. of Andhra Pradesh has not considered his request and removed him from the services, without giving him proper opportunities. The SP, Nellore reiterated the facts and comments as submitted by DG, P&CS to NCST and provided the details of chronological events in the matter. He has also stated that the petitioner had been removed from services as per the rules. It was observed that the Prison Department has followed the due procedure in the case of the petitioner. On the other hand, the situation that arose due to these decisions of the Govt. of Andhra Pradesh, took a toll on the petitioner's financial and mental condition.

After discussions with the officers and petitioner, it is recommended that the Administration of Central Prison, Nellore may reconsider the case to reinstate the petitioner in services on sympathetic grounds.

जालोथु हुसैन / Jalothu Hussain
सदस्य / Member
भारत सरकार / Government of India
राष्ट्रीय अनुसूचित जनजाति आयोग
National Commission for Scheduled Tribes
नई दिल्ली, नया दिल्ली

List of participants of the sitting held on 09.07.2024 at 03:20 PM under the Chairmanship of Shri J. Hussain, Hon'ble Member, NCST in the case of Shri K. Kishan Naik regarding harassment of ST employee by the D/o Prisons and Correctional Services, Andhra Pradesh.

I.	<u>D/o Home (Prisons and Fire Department)</u>
1.	K.. Rajeswara Roa, Suptd, CP, Nillore
2.	S. Venkateswara Rao, Distt. Supdt. Jail Officer
II.	<u>Petitioner</u>
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