

National Commission for Scheduled Tribes
PROCEEDINGS

Sub: Violation of rights of Scheduled Tribe employees of Oriental Insurance Company Ltd. - PROCEEDINGS of hearing held at 2:00 PM on 04.04.2007 in the Chamber of Shri Gajendra Singh Rajukhedi, Hon'ble Vice-Chairman, National Commission for Scheduled Tribes.

The hearing to discuss pending cases of ST employees of OICL was held at 2:00 PM on 04.04.2007, as scheduled, in the Chamber of Shri Gajendra Singh Rajukhedi, Hon'ble Vice-Chairman, National Commission for Scheduled Tribes. Shri M. Ramadoss, CMD, OICL, attended the hearing alongwith Shri D. Singh, GM(P), OICL, Shri P.C. Srivastava, Chief Manager, OICL and Shri S.K. Mehra, Manager and Liaison Officer (SC/ST) OICL, Head Office, New Delhi. The petitioners Shri Jai Mal Meena, Dy. Manager, OICL, Shri O.P. Meena, NICL, Shri B.S. Meena, NICL and Mrs. S. Faihriem, Development Officer, OICL and Ramesh Haldhar, Organising Secretary, the All India General Insurance SC/ST Employees Parishad Indore, Shri R. Pattabhi Raman, AM, OICL, Shri S.R. Bodade, NICL, Pune Regional Office, Shri M.T. Ramteke, Divisional Manager, NICL, Nagpur, Shri Digambar Rao, AM, OICL, Shri Hemant Kumar Bhandarwal, AM, UIICL were also present. Shri K.K. Gupta, Secretary, Shri R.C. Durga, Director, and Shri Gyan Singh Doraiburu, PS to Vice-Chairman, NCST assisted the Hon'ble Vice-Chairman, NCST.

2. There were originally three cases which were listed for discussion. The All India General Insurance SC/ST Employees Parishad had submitted on 02.04.2007, to Hon'ble Vice-Chairman, National Commission for Scheduled Tribes, a list of fifteen cases of SC/ST Employees of OICL, Shri Ramesh Haldhar, Organising Secretary of the Association, present in the hearing, requested for taking up hearing on those cases also. Since the cases had not been formally communicated well in advance to the OICL, discussion on those cases could not be held in detail. A set of the representation relating to these cases submitted by the Association was also handed over by the Association to the CMD, OICL for taking appropriate action in each case. The gist of the discussions held and decision taken in each case is as given below:

(1) Case of Shri Jai Mal Meena, Deputy Manager, OICL, Jaipur regarding promotion w.e.f March, 2000 (F. No. J-9/Insurance-5/2005/ST/SSW-RU-IV).

The Commission was informed that the name of Shri Jai Mal Meena was in the contingent list of promotees for the selection year 1999- 2000 and, therefore, promotion order in his case were issued in the month of March, 2000 and that the panel normally expires on 31st March. However, there was no such mention in the promotion order. Besides Shri Meena had sent his joining report by FAX on 31st March, 2000 but no orders for relieving Shri Jai Mal Meena were issued, to enable him to join duty at the place of posting at Vadodara and, therefore, Shri Jai Mal Meena continued to serve at Jaipur without any objection/ instructions from the Management. Thereafter, in the Writ Petition filed by Shri Jai Mal Meena, the Hon'ble High Court of Rajasthan at Jaipur had also directed, that the promotion order can not lapse and, therefore, allowed Shri Jai Mal Meena 10 days time to join his duty on promotion at Vadodara, the place of

posting as per promotion order. Shri Meena reported for duty at Vadodara but he was not allowed to join his duty at Vadodara. Consequently, Shri Meena had to file a contempt petition in the High Court, wherein the Advocate of the OICL sought time for submission of the reply. In view of this the Hon'ble High Court directed Shri Meena not to join the duty at Vadodara. GM(P), OICL however, expressed ignorance about the W.P. filed by Shri Meena and the directions of Hon'ble High Court dated 22.12.2000. GM (P), OICL stated that he has taken the charge of his post just a few days ago and assured that he will get the whole matter examined.

The Commission also noted that on one hand no action was taken to relieve Shri Meena for enabling him to avail the promotion, against the 1999-2000 panel, on the other hand disciplinary proceedings were initiated against him in August, 2000 on the ground of charges allegedly relating to the period prior to the DPC for 1999-2000. It was also noted that the charges were flimsy and were subsequently not found true. In case there were any charges against him prior to the period 2000-2001, the same could have been brought before the DPC and the DPC ought to have made suitable recommendations about his promotion and the same should have been kept under sealed cover, but no such procedure was adopted. Even though the allegations were existing and the same were taken up after the DPC meeting for the year 1999-2000, yet the fact remains that Shri Meena is entitled to all benefits from the original due date since he was exonerated from all charges. Disciplinary action w.r.t the charges relating to the period after 1999-2000, and if found true, would have effect from the future date only. Thus promotion order on the basis of earlier DPC, coupled with the direction of Hon'ble High Court dated 22.12.2000 has to be given due effect.

CMD, OICL noted the above observations of the Commission and assured to take necessary action within one month of the date of hearing and intimate the Commission in due course about the action taken.

(2) Case of Shri S.K. Meena, AO regarding promotion to the post of Assistant Manager (F. No. RU-IV/Service/Fin(Ins.)-14/06)

The Commission was informed that there were 105 vacancies in Scale-II to be filled by promotion from Scale-I. While drawing the list of successful candidates, a contingency list is also issued to cover the vacancies caused due to resignation, voluntary retirement and non-acceptance of promotion by the selected candidates. The petitioner had produced documents showing that a total of 120 appointments were made by promotion against original number of 105 vacancies. Since the number of vacancies actually filled was 120, the petitioner was entitled to benefit of protection clause, as his seniority number (110) was higher enough to fall within the number of vacancies actually filled up by promotion. The Commission also pointed out that the number of vacancies caused due to resignation or voluntary retirement can not be counted as anticipated vacancies and therefore, such vacancies will be added to the number of vacancies to be filled and therefore, the Zone of consideration has to be drawn in accordance with the number of vacancies actually filled. Moreover, ST reserved points on the roster have to be filled by promotion from ST candidates. CMD, OICL stated that this point has not been taken into account while filling the vacancies. Keeping in view this position and the total number of

actual promotions (120) made during 2006-07, CMD, OICL assured that the whole exercise will be reviewed, duly safeguarding the rights of Shri S.K. Meena.

(3) Representation of Mrs. Siemhnil Faihriem, OICL, Dimapur, Nagalan regarding retention of her husband Shri P.K. Biswas at Dimapur Branch of OICL, Nagaland (F.No. RU-IV/Service/Fin(Ins.)-9/2007)

The Commission was informed that Mrs. Siemhnil Faihriem is working as Development Officer and her husband, who was also working in the same office, was transferred from Dimapur Branch to Jorhat (Assam) Branch under normal transfer policy. Keeping in view the request made by them about two years ago for transfer of both of them to Tezpur Branch, OICL was one of the considerations to transfer Mrs. Siemhnil Faihriem and her husband also to Tezpur so that wife and husband remain in one station. However, it was noted during the discussion that Mrs. Siemhnil Faihriem had earned a huge business for the Company and her transfer from Dimapur would not only affect adversely the business of the Company at Dimapur, but also affect the performance of Mrs. Siemhnil Faihriem as she will have to start at Tezpur from zero level of business. Moreover, there was also shortage of staff at Dimapur. It was therefore, agreed that in the interest of the Company Mrs. Siemhnil Faihriem and her husband both may be retained at Dimapur. CMD, OICL assured to take prompt action and issue instructions for early orders relating to cancellation of the transfer order in respect of Shri P.K. Biswas, husband of Mrs. Siemhnil Faihriem.

3. Following is the list of cases submitted by the All India General Insurance SC/ST Employees Parishad, which were handed over to CMD, OICL for taking immediate necessary action in each case.

- (i) Reinstatement in service of Shri N.S. Ghorpade, Sr. No. 501913, Record Clerk, Jalna Branch under Aurangabad Division, Maharashtra.
- (ii) Non-promotion of Shri Subodh Kumar Meena.
- (iii) Death due to Harassment by Management of Shri Bhanwar Lal Bhagria, RC DO 1 Indore.
- (iv) Non-promotion of Smt. Rajkumari Kaithwas, Sr. Assistant. She belongs to ST Community but selected as unreserved candidate on merit but was not given posting at the nearest place of her choice. The Management had committed the National Commission for Scheduled Castes also to consider her case but have not kept their words subsequently.
- (v) Non payment of Lump sum Death Benefits to the wife of Shri Santosh Kumar Adivasi, a deceased ST candidate of BO Shivpuri under DO Gwalior.
- (vi) Charge sheet to Shri Digamber Rao, DO, Jabalpur.
- (vii) Harassment to Shri Ram Milan Prajapati, BO Rewa under Jabalpur DO.

- (viii) Revocation of suspension of Shri SC Chouhan, AO, BO Itarsi under Bhopal DO.
- (ix) Charge sheet to Shri R. Pattabhiraman, AM, DO-2 Bhopal.
- (x) Transfer of Shri P. Nagarajan, Sr. Asstt. , BO Guna under DO Gwalior.
- (xi) Special relaxation for conversion from Grade-II to Grade-I of Shri Rajendra Tayade, Dev. Officer posted away from his home town who faced discrimination on caste grounds.
- (xii) Charge Sheet to Shri C.P. Ghritkar, Dev. Officer(A) DO Korba.
- (xiii) Payment of Terminal Benefits to Shri H.B. Meshram, Ex Sr. Asstt., DO II Nagpur.
- (xiv) The Training which is proposed to be conducted for imparting the guidance to SC/ST officer for pre-promotion training should be conducted at N.I.A. Puna only
- (xv) Transfer of Shri Bhasker Ahire Sr. Asstt. from B.O. Akaluj under R.O. Puna to Nasik.

4. CMD, OICL assured to look into all the above cases and send action taken report to the Hon'ble Vice-Chairman, National Commission for Scheduled Tribes within a period of one month from the date of discussion.

Sd/-
(Gajendra Singh Rajukhedi)
Vice-Chairperson
National Commission for
Scheduled Tribes