



सत्यमेव जयते

भारत सरकार

राष्ट्रीय अनुसूचित जनजाति आयोग

GOVERNMENT OF INDIA

NATIONAL COMMISSION FOR SCHEDULED TRIBES

File No. MKM/1/2009/MCHF2/SEOTH/RU-III

छठी मंजिल, 'बी' विंग, लोक नायक भवन  
खान मार्केट, नई दिल्ली-110003

6th Floor, 'B' Wing, Lok Nayak Bhawan  
Khan Market, New Delhi-110 003

Dated .....14/10/2011.

To

1. The Secretary,  
Ministry of Chemical and Fertilizers,  
Shastri Bhawan, New Delhi
2. The Managing Director, HRD,  
Karnataka Antibiotics and Pharmaceutical Ltd.  
Dr. Rajkumar Road, 1<sup>st</sup> Block, Rajajinagar,  
Bangalore-560010. India

Sub:- Representation dated 8/6/2010 of Shri Mahesh Kumar Meena regarding re-instatement in service as professional service representative in Karnataka Antibiotics and Pharmaceutical Ltd.

Sir,

I am directed to refer to the subject cited above and to forward herewith the proceedings of the meeting held in the Commission on 26/07/2011 for necessary action.

Enclosure: As above

Yours faithfully,

(N.K. Maran)

Research Officer

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19/10/11  
[Signature]

Proceedings of the Sitting held at the National Commission for Scheduled Tribes (NCST) on dated 26/07/2011 in the matter of Shri Mahesh Kumar Meena regarding termination by Karnataka Antibiotics and Pharmaceuticals Ltd.

The following were present:-

**NCST**

1. Dr. Rameshwar Oraon, Chairperson(In chair)
2. Smt. K.D. Bhansor, Deputy Director
3. Shri N. Balasubramanian, Research Officer

**Ministry of Chemicals & Fertilizers :**

1. Ms. Manik Verma, Director.
2. Shri A.K. Sah, US(PSU)

**Karnataka Antibiotics and Pharmaceuticals Ltd. :**

1. Shri S.L. Phadke, Managing Director
2. Shri V.L. Chandavsi, DGM-HRD
3. Shri K.R. Sharda, L.O.

**Petitioner :**

Shri Mahesh Kumar Meena

**Issue :**

Representation dated 08/06/2010 received from Shri Mahesh Kumar Meena, S/o Tunda Ram Meena, Dhawayana Ki Dani, Baswa, Post Baswa, Village-Baswa, District- Dausa(Rajasthan) regarding alleged termination of service by Karnataka Antibiotics and Pharmaceuticals Ltd.

**Background**

1. A representation dated 08/06/2010 from Shri Mahesh Kumar Meena was received in the National Commission for Scheduled Tribes regarding alleging termination of his service on flimsy ground <sup>from</sup> on the post of Professional Service Representative III in Karnataka Antibiotics and Pharmaceuticals Ltd. Shri Mahesh Kumar Meena in his representation has informed that he got selected by KAPL on 01/09/2009 as Professional Service Representative III in the Karnataka Antibiotics and Pharmaceuticals Ltd. at Jaipur and he had joined duties on

6/10/2009 in KAPL. Shri Mahesh Kumar Meena had further stated that he did his job with sincerity and honestly but he did not get his report book from February, 2010 onwards and finally he was blamed for irregular submission of report. It has been reported that on 25/5/2010 Shri Meena received a letter from HRD(DGM) informing that his services were terminated w.e.f. 20/05/2010 on grounds of unauthorized absence etc. Shri Meena had prayed to KAPL for considering his re-instatement in service.

2. NCST vide letter dated 10/06/2010 called for report / comments from the Secretary, Ministry of Chemicals & Fertilizers in the matter. The Ministry of Chemicals & Fertilizers vide letter dated 21/07/2010 and 08/11/2010 forwarded the comments of KAPL as under :

“

1. Mr. Mahesh Kumar Meena, I No. 1742 was appointed as Professional Service Representative – III on 6<sup>th</sup> October, 2009 at Roorkee ( Uttaranchal ) HQ., on probation.
2. Before being sent to his headquarters, Mr. Mahesh Kumar Meena was trained by our PSR, Mr. Ashok Kumar Pal at Delhi on 8<sup>th</sup> and 9<sup>th</sup> October, 2009. The copies of Mr. Mahesh Kumar Meena's Diary confirms this as per **Annexure – I.**
3. He has been trained on job by his Superior's & he has been served with all promotional inputs like Literature, Bag, Product Notes, Dairy Field Activity Reports (DFAR) Pad Expense Statement, Sales & Stock Statement, Tour Programme, Visual Aids, Physician Samples, Field Marketing Strategy Personal order Booking etc. which are being made available to all the PSRs. Similarly, he was also given.
4. Mr. Mahesh Kumar Meena was guided by his Area Manager, Regional Sales Manager and Zonal Manager periodically and they have also made Joint Field Work along with him in his territory.

Mr. Mahesh Kumar Meena was trained on job by his superiors on the following dates, as per **Annexures – II to V :-**

13/11/2009, 7/12/2009 to 9/12/2009, 11<sup>th</sup> 13<sup>th</sup> February, 2010, 25 & 26 February, 2010 and 16 to 19<sup>th</sup> March, 2010.

5. In the Dairy Field Activity Report dated 25 and 26<sup>th</sup> February, 2010 submitted by Mr. Mahesh Kumar Meena confirms that he has been given training along with RSM (KB).

*Rameshwar Oraon*

डा० रामेश्वर उरांव / Dr. RAMESHWAR ORAON  
अध्यक्ष / Chairman  
राष्ट्रीय अनुसूचित जगजाति आयोग  
National Commission for Scheduled Tribes  
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6. Further, Mr. Mahesh Kumar Meena avoided Joint Field Work training with Zonal Manager on 24<sup>th</sup> and 25<sup>th</sup> March, 2010 in spite of giving advance information about the training , vide letter dated 30/03/2010 from ZM (MKS) to Mr. Mahesh Kumar Meena. (copy enclosed ) , as **Annexure – VI**.
7. In spite of the above, his performance was very poor and his performance analysis is as under, as per **Annexure – VII :-**

Month	Target (Rs. In lacs)	Achievement (Rs. In lacs)
November, 2009	0.30	0.08
December, 2009	0.30	Nil
January, 2010	0.50	Nil
February, 2010	0.50	0.04
March, 2010	0.50	Nil
April, 2010	0.50	Nil

The average productivity of Mr. Mahesh Kumar Meena is 0.02 lacs per month, only.

8. In his Daily Field Activity Report dated 29/01/2010, he has given false report that he has visited the Doctor's at Haridwar Road, vide IDN dated 22/02/2010 addressed to Mr. Mahesh Kumar Meena from AM (SM), as per **Annexure – VIII**.
9. During Joint Field Work on 25/01/2010, it was found that one Doctor has shifted his clinic to some other area. But, Mr. Mahesh Kumar Meena mentioned in the DFAR Report dated 25/01/2010 as **Annexure – VIII**, that he is functioning in his previous address only. But, that particular Doctor has shifted his clinic before two months, itself. It is also one of the false report mentioned in his DFAR.
10. During Joint Field Work on 11/02/2010 and 13/2/2010 (as per **Annexure – VIII**), his Area Manager has observed that "his detailing was very poor and he does not have the idea about the timings of the Doctors, his calls average was only five per day instead on 10 to 12 calls per day, which PSRs have to call on Doctors.

In spite of the above, his Area Manager advised him to rectify his mistakes and improve his performance vide letter dated 13/02/2010, 22/02/2010 and 19/03/2010 (**enclosed as Annexure – IX**).

*Rameshwar Oraon*

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अध्यक्ष / Chairman  
राष्ट्रीय अनुसूचित जनजाति आयोग  
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11. Mr. Mahesh Kumar Meena has submitted a false calls report for 25<sup>th</sup> February, 2010, as per **Annexure – X**. While his Regional Sales Manager worked with him from 10.00 a.m. to 2.30 p.m. and again from 5.30 p.m. to 8.00 p.m. by calling on 6 Doctors, One Chemist and One Stockist of KAPL. Mr. Mahesh Kumar Meena has claimed to have called on 10 Doctors, 2 Chemists and One Stockist for the same day i.e., on 25<sup>th</sup> February, 2010. This is not possible since during the lunch time (i.e., between 2.30 p.m. to 5.30 p.m.), no Doctor shall be keeping his clinic / hospital open. A copy of the DFAR report on 25<sup>th</sup> February, 2010 is enclosed herewith for your ready reference.
12. His Zonal Manager has advised him to report to the regional office at New Delhi on 11<sup>th</sup> March, 2010 for review meeting. He was absent for this meeting. Again, he was called for Joint Field Work on 24<sup>th</sup> and 25<sup>th</sup> March, 2010 at Roorkee Meet. To this also, he was absent. Again, he was called for a meeting on 17<sup>th</sup> April, 2010 to meet the Senior Officials of the Organisation but he was absent for the above meeting also. All this clearly amounts to insubordination. **(Annexure – VI and VI (a))**.
13. In DFAR, Mr. Mahesh Kumar Meena reported that he met Doctors and promoted our brand based on product notes and other promotional inputs (i.e., visual aids). This statement confirms that all the relevant inputs for promoting our product was received by him. Hence, the allegation made in his complaint is false.
14. He was not sending Daily Field Activity Reports, Expenses Report, Monthly Reports, Personal Order Booking in time. It shows that he was irregular in his Administrative Activities. This was brought to the notice of Mr. Mahesh Kumar Meena vide letter dated 28/4/2010, **(as Annexure – XI)**.
15. In his complaint, he has mentioned that Expenses Books and other Communications are not given to him in spite of reminders from January, 2010. But, the enclosed ERs, DFARs for the month of February, 2009 are signed by Mr. Mahesh Kumar Meena indicates that he was in possession of the required Forms / Reports / Stationeries required by him. This clearly indicates that the complaint given by Mr. Mahesh Kumar Meena, is false and baseless.
16. The Professional Service Representatives (i.e.; PSRs) are the ambassadors of the Organisation and they are required to follow some of the professional ethics and principles. They should be well dressed and neat & it is one of the primary requirement of the Professional Service Representatives (i.e., PSRs). The customers expect this quality. Mr. Mahesh Kumar Meena was very casual in his nature. It projects the bad impression about the organization. This was brought to the notice of Mr. Mahesh Kumar Meena, vide our letter dated 30/04/2010, but still he continued to neglect advise of his superiors.

*Rameshwar Oraon*

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भारत सरकार / Govt. of India  
नई दिल्ली / New Delhi

17. A copy of only one letter dated 4<sup>th</sup> May, 2010 addressed to AGM (SRR) was received by HRD on 05/05/2010. His complaint that many letters have been sent to HRD is false and baseless.
18. In spite of the above, the Management has given sufficient opportunity to improve his performance and reporting system. But, he has failed to improve upon his performance an all the effort put by the Management to improve his performance, did not fetch results. Mr. Mahesh Kumar Meena never took interest. If he was interested to build his career, he could have done so, with these ample opportunities.
19. Our company gives lot of opportunity to their employees to improve upon their performance, the allegation made upon the Management by Mr. Mahesh Mumar Meena, are all false and baseless, inspite of giving many opportunities to improve upon his performance, he never made use of this, instead, he is very casual in his approach, he never submitted his field activities report in time. He was totally disobedient to his senior officer and senior colleagues and irresponsibilities and negligent in his duties and also he was found false reporting. All these act amount serious misconduct. These all above actions show his attitude and his conduct in the field. Such attitude and bad conduct will project bad image of our company in the market, which directly focuses on the culture of the company. The company can not compromise on such issues.
20. It will not be out of place to mention here that we recruited 8 ST candidates under Special Recruitment Drive for SC/ST, who are with the Company. The company is making all efforts to see that the candidates recruited under Special Recruitment Drive are given training by many field personnel and also provided all opportunities to grow vertically in our organization. All other except for Mr. Mahesh Kumar Meena are following rule and utilizing the inputs given by company to perform. "

In view of all the facts stated in para 2 to 19 and in the interest of the business of the Organisation, the Management was forced to initiate the action of removing him from the rolls of the organization.

3. The petitioner was informed of the comments of the Ministry of Chemicals & Fertilizers dated 21/07/2010 and 08/11/2010.
4. Shri Meena submitted a re-joinder to the Commission dated 02/08/2010 refuting the reply of the Ministry of Chemicals & Fertilizers. The petitioner further submitted re-joinders dated 16/03/2011, 21/03/2011, and 05/05/2011. The case was placed before the Commission and the Hon'ble Chairperson fixed up a hearing on 26/07/2011 with the Secretary, Ministry of Chemicals & Fertilizers and MD of the KAPL.

*Rameshwar Oraon*  
डा० रामेश्वर उरांव / Dr. RAMESHWAR ORAON  
अध्यक्ष / Chairman  
जनजाति आयोग

**Discussion :**

5. On behalf of the Secretary, Ministry of Chemicals & Fertilizers, Director Ministry of Chemicals & Fertilizers appeared without any authorization or letter from the Secretary, Ministry of Chemicals & Fertilizers about the exemption of the Secretary from the sitting which was noted with concern by the Commission.

6. Managing Director, KAPL apprised that the KAPL is implementing the reservation policy in respect of STs i.e. 7.5% as applicable in favour of STs in group 'A', 'B', 'C' & 'D' posts, with other relaxations / concessions in accordance with the govt. instructions. A duly filled in Questionnaire to the NCST was submitted in this regard. MD, KAPL stated that KAPL did not find any difficulty in North Eastern Region and candidates are available in the region. The Hon'ble Chairperson suggested to MD, KAPL to give concentration to the other Tribal Areas like Jharkhand and Chattisgarh, the states which are habitated with ST population.

7. Thereafter, Shri Meena was given opportunity to explain his case.

8. MD, KAPL mentioned that KAPL has explained the case position vide their letters dated 21/07/2010 and 08/11/2010 and further stated that number of irregularities and disobedience were noticed on the part of Shri Mahesh Kumar Meena in discharging his duties and on certain occasions Shri Meena was advised / called by the Area Manager for counseling.

9. MD, KAPL further informed that as per the report of the Area Managers, the allegations of the petitioner were found to be incorrect. The assignment of job to Shri Meena included meeting with the Doctors and medical stores, stockist and submission of input based on day to day work and field work etc.

10. The National Average target is Rs. 30,000 per month. Shri Meena did not achieve any target and he had not been paid salary based on his performance report. The petitioner submitted some false information regarding visit to the doctors in rural areas. MD, KAPL added that an evidence for the same was available with the Company. As per the version of the MD, KAPL the petitioner did not follow the uniform code prescribed by them during the training period also.

11. The petitioner could not give proper justification to KAPL and to the Commission during the hearing.

12. The Commission observed that Shri Meena has not complied with the procedure / rules / guidelines of the KAPL and disobeyed in discharging / performing the assigned duties. Shri Meena had also failed to achieve the targets and KAPL had taken administrative action as per the prescribed rules / procedures. The Commission advised the MD, KAPL to release his pay / salary or any other arrears / dues admissible to Shri Meena.

*Rameshwar Oraon*

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