

S. Balasubramanian

GOVERNMENT OF INDIA
NATIONAL COMMISSION FOR SCHEDULED TRIBES

(A Constitutional Commission set up under Art. 333A of the Constitution of India)

No: GS/18/2014/MFIN9/SEHRMT/RU-IV

Date: 20.05.2015

To,

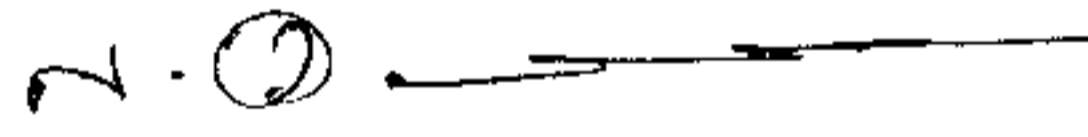
Shri G. Srinivasan,
Chairman cum Managing Director,
New India Assurance Company Ltd.,
Head Office,
87, M.G. Road, Fort,
Mumbai - Maharashtra.

- Sub:** (1) Representations dated 28.08.2014 of Shri Gaurav Sattawan, AO, New India Assurance Company Ltd, Mumbai regarding harassment.
(2) Representation dated 09.04.2015 of Shri Nawang Tamba Deputy Manager, NIACL, Shimla (HP) regarding discrimination for foreign training.

Sir,

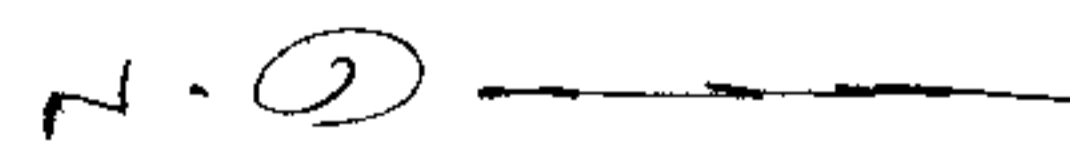
I am directed to refer to this commission's letter of even number dated 14/05/2015 on the above subject and to enclose herewith a copy of the proceedings of the sitting held in the Commission on 19/05/2015 for necessary action and to send the compliance report to the commission within 15 days positively.

Yours faithfully,


(N. Balasubramanian)
Research Officer

Copy to:-

1. Shri Gaurav Sattawan,
Administrative Officer,
Fire & Engineering Department,
New India Assurance Co. Ltd,
87, M.G. Road, Fort,
Mumbai- 400 001
2. Shri Nawang Tamba,
S.R. No. 26564,
Deputy Manager,
New India Assurance Co. Ltd.,
3rd Floor, Block-7, SDA Complex,
Shimla - 171009 (HP).


(N. Balasubramanian)
Research Officer

NATIONAL COMMISSION FOR SCHEDULED TRIBES

File.No. GS/18/2014/MFIN9/SEHRMT/RU-IV

Proceedings of the Sitting held by Shri Ravi Thakur, Vice Chairperson, NCST with NIACL on 19.5.2015 in the cases of Shri Gaurav Sattawan, Administrative Officer and Shri Nawang Tamba, Deputy Manager.

List of participants (Annexure)

Two cases relating to NIACL were taken up in the Sitting. These cases related to grievance of Shri Gaurav Sattawan, Administrative Officer, fire and engg. Department, HO, Mumbai and Shri Nawang Tamba, Dy. Manager, DO Shimla.

Case of Shri Gaurav Sattawan, Administrative Officer

2. Shri Gaurav Sattawan, Administrative Officer working NIACL since 10/12/2012 had represented to the Commission regarding alleged harassment by his superiors in matter of spoiling his APAR and subsequently caste based discriminatory behavior and threatening after his complaints to the NIACL and to the National Commission for Scheduled Tribes. The reply received from the NIACL authorities, a copy of which was sent to the petitioner for comments, was not found satisfactory. Consequently, a Sitting was scheduled on 30/04/2015. However, neither CMD, NIACL appeared for the Sitting in the Commission nor any information to this effect was communicated to the Commission. Consequently, the Sitting was re-scheduled for 19/05/2015. CMD, NIACL did not attend the Sitting on 19/05/2015 but authorized the CLO and DGM (HR) Shri D R Waghela and DGM (technical) Shri S Shankar to attend the hearing on his behalf.

3. The petitioner Shri Gaurav Sattawan was not present in the Sitting as he was not allowed to attend the Sitting despite the advice by the Commission to the NIACL for instructing the petitioner to attend the Sitting. It was made clear in the Sitting that Government official and petitioner concerned are treated as on duty under the rules of the Civil Court, under which National Commission for Scheduled Tribes holds the Sitting. The NIACL authorities assured that the situation will not recur in future.

Under the circumstances, Shri Pankaj Sattawan, brother of the petitioner attended the Sitting on behalf of the petitioner.

4. It was revealed that Shri Gaurav Sattawan was on probation for a period of one year from the date of the joining of the duty i.e. 10/12/2012 to 9/12/2013. His APAR for this period was return by his controlling officer Shri D B Pednakar and he is stated to have graded the petitioner as "very good". It was alleged that the NIACL authorities intentionally sought fresh APR for the period 1/04/2013 to 31/03/2014 from Ms. Kuhu Mohapatra, who was stated to be his controlling officer for a period of 31 days (March, 2014) only. Ms. Kuhu Mohapatra is alleged to have graded the petitioner as "above average". The point of dispute was conflicting assessment of the same person for the same period (1 April 2013 to 9 December 2013) by two different officers and questioning the need for the same. DGM (HR) stated that the APAR for the financial year 2013-14 (1 April 2013 to 31 March 2014) was sought from the controlling officer Ms. Kuhu Mohapatra for the purpose of promotion exercise. The petitioner alleged that this exercise was conducted only to spoil his career as both the APARs graded him widely contrasting. The later APAR may also affect the probation period already cleared by him beside consequential promotion exercise.

5. The NIACL authorities clarified that the APAR for the period 2013-14 has since been revised and graded higher than the previous assessment and further the APAR for the period 2014-15 has also been received which will have no negative impact on his career. It was assured that the whole exercise has been reviewed by the CMD and it has been ensured that it will not carry any impact on the career of Mr Gaurav Sattawan.

6. Attention of the Commission was invited towards the harassment meted out to the petitioner by his superiors soon after he submitted his representations on the subject matter to the superior authorities and also to the National Commission for Scheduled Tribes. The petitioner stressed that action needs to be taken under Conduct Rules of the organization and also under the Scheduled Castes and Scheduled Tribes (PoA), Act 1989 against the officers who tried to spoil his APAR and later threaten him of consequences. The DGM (HR) and DGM (Technical) stated that the matter has been discussed in detail and the alleged officers have since apologized, the matter should now be closed. The Commission advised the

NIACL authorities to ensure that such situations of alleged misbehavior or harassment with the ST employees or down grading the appraisal of the ST employees do not recur in the future. The Commission also advised them to provide re-orientation training to all categories of their employees regarding the Government directives about reservation and the basic objective and policy of reservation for Scheduled Tribes and particularly sensitization of the employees towards this social need.

Case of Shri Nawang Tamba, Dy. Manager

7. Shri Nawang Tamba, who joined the Organisation as Administrative Officer in 1989, in his representation dated 9/04/2015 had complained that the Company for not considering him for Marketing assignment since 2008. He had also alleged that he was not being considered for foreign posting since 2013.

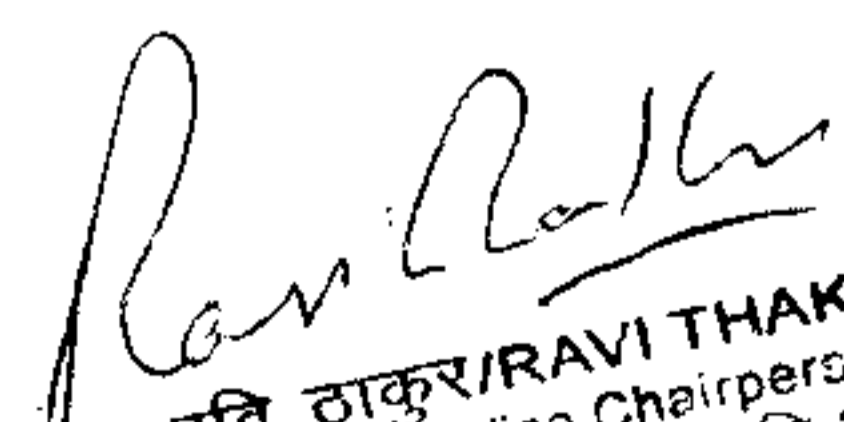
8. The DGM (HR) informed that Shri Tamba had already been ordered for foreign posting, as Manager for Lautoka at Fiji vide order dated 12/05/2015. The Petitioner, who was also present in the Sitting, also confirmed the statement and produced a copy of the order for information of the Commission. Shri Tamba also thanked the NIACL for issuing the order as well as National Commission for Scheduled Tribes for taking up the matter with the NIACL which resulted into the said Office order regarding his posting to Fiji.

9. Shri Tamba, however, submitted that his promotion was also due and requested the NIACL Authorities to consider his case for timely promotion. The NIACL Authorities assured that the case relating to promotion of Shri Tamba will be taken up shortly and necessary orders will be issued in due course.

10. The Commission advised the NIACL authorities to furnish information about action taken in each case and also measures proposed to be taken about sensitization of the employees, as mentioned above within 15 days.

3

NCST _SR Sitting on 19 05 2015_ NIACL


रवि ठाकुर/RAVI THAKUR
उपाध्यक्ष/Vice Chairperson
राष्ट्रीय अनुसूचित जनजाति आयोग
National Commission for Scheduled Tribes
भारत सरकार/Govt. of India
नई दिल्ली/New Delhi

File no GS/18/2014/MFIN9/SEHRMT/RU-IV
Attendance Sheet

Sitting held on 19/05/2015 at 11:00 hrs to discuss the case of Shri G.S Sattawan, AO, NIACL, Mumbai and Shir Nawang Tamba, Deputy Manager, NIACL, Shimla (HP).

National Commission for Scheduled Tribes

Sl. No	Name and Designation
1.	Shri Ravi Thakur, Vice Chairperson
2.	Shri N. Balasubaramanian, Research Officer
3.	Shri P.V. Mohandas, PS to Vice Chairperson,
4.	Shri R. C. Durga, Consultant

OFFICERS OF NEW INDIA ASSURANCE CO. LTD.

Sl. No.	Name and Designation
1.	Shri Dinesh Waghela, C.L.O & DGM(HR)
2.	Shri S. Shankar, DGM (Technical)

Petitioners

1.	Shri K. R. Meena,
2.	Shri Pankaj Sattwan
3.	Shri Nawang Tamba