



भारत सरकार

Government of India

राष्ट्रीय अनुसूचित जन जाति आयोग

National Commission for Scheduled Tribes

(A Constitutional Body set up under Art. 338A of the Constitution of India)

File No. BB/7/2019/STGTL/SEOTH/RU-IV

Dated: 16.12.2019

To,

1 **The Vice Chancellor,**
JNTUH College of Engineering,
Jawaharlal Nehru Technological University,
Ashok Nagar,
Kukatpally Housing Board Colony,
Kukatpally, Medchal,
(Telangana)- 500085

2 **The Principal,**
Vaagdevi College of Engineering,
(Autonomous)
Bollikunta, Warangal- 506005
(Telangana)

Sub: Proceedings of the sitting taken by Dr. Nand Kumar Sai, Hon'ble Chairperson, National Commission for Scheduled Tribes (NCST) on 18.11.2019 in the in the case of Shri Bhukya Balaji, Asst. Professor, E.C.E. Department, Vaagdevi College of Engineering, Bollikunta, Warangal, (Telangana) regarding non-payment of salaries for the period from February 2019 to April, 2019.

Sir,

I am directed to enclose herewith a copy of the Proceedings of the Sitting held on 18.11.2019 under the Chairmanship of Dr. Nand Kumar Sai, Hon'ble Chairperson, National Commission for Scheduled Tribes on the above mentioned subject for necessary action and submission of compliance report to this Commission within 30 days from the receipt of the letter for placing the same before the Hon'ble Chairperson, NCST.

Yours faithfully,

(Y.K. Bansal)

Research Officer

Ph. No. 011-24645826

(Encl. Akhmed)

Copy to:

Shri Bhukya Balaji,
C/o Shri Bala Krishna Reddy,
H. No. 6-2-969, Flat No. 204,
Intech Residency,
Opp. Sant Nirankari Satsang Bhawan,
Kairathabad, Hyderabad – 500 004
(Telangana).

Copy to: - SAS/NIC/NCST.

NATIONAL COMMISSION FOR SCHEDULED TRIBES

Case File No. BB/7/2019/STGTL/SEOTH/RU-IV

PROCEEDINGS OF SITTING HELD ON 18.11.2019 AT 12.30 P.M. CHAIRED BY DR. NAND KUMAR SAI, HON'BLE CHAIRPERSON, NATIONAL COMMISSION FOR SCHEDULED TRIBES (NCST) IN THE CASE OF SHRI BHUKYA BALAJI, ASST. PROFESSOR, E.C.E. DEPARTMENT, VAAGDEVI COLLEGE OF ENGINEERING, BOLLIKUNTA, WARANGAL, (TELANGANA) REGARDING NON-PAYMENT OF SALARIES FOR THE PERIOD FROM FEBRUARY 2019 TO APRIL, 2019.

**List of officers present in sitting is Annexed.
Date of Sitting – 18.11.2019**

The petitioner Shri Bhukya Balaji has submitted a representation before the Commission that he was working as Asst. Professor in E.C.E. Department, Vaagdevi College of Engineering (VCE), Bollikunta, Warangal, (Telangana), for last 10 years with sincerity and satisfaction. In the month of October, 2018 the College authority did not include his name in the list of pay enhancement. Accordingly, he requested the Principal of College and Department Head of the College to include his name in the list of pay enhancement and consider to fix pay to the Rupees 50,760/- per month. After considering his request, this enhancement of pay was effected in month of January, 2019, and the same was credited into his account. After pay payment of January, 2019 the payment of salary from February, 2019 to April, 2019 has not been made by the College Management. On inquiring about this, the College Management called him and informed that his services have been terminated. Thus, his services were terminated without issuing any notice/ chargesheet to him. No opportunity to defend his case was provided by the College Management.

Thereafter he made representation before the College Management and he was paid less salary instead of approved salary. The original certificate was also withheld by the College Management. The petitioner requested the Commission to intervene in the matter and direct the concerned authority for payment of eligible salary, reinstatement into service and returning his original certificates.

2. As per procedure, the NCST vide its notice dated 09.10.2019 sought a report on the petitioner's allegations from the concerned Department.

3. In pursuance of the Commission's notice dated 23.10.2019, the Principal, Vaagdevi College of Engineering (VCE) has reported that the contention of the petitioner of non-payment of salary is false as all eligible salary has been paid to the petitioner. His services was also terminated on 04.07.2019 on the grounds of complaints of misconduct. Further, the petitioner was requested to collect his original certificates. However, the petitioner did not collect the certificates. In addition, the petitioner has filed Writ Petition No. 13484 of 2019 before the Hon'ble High Court of Telangana on the subject matter and the same is pending.



डॉ. नन्द कुमार साय/DR. Nand Kumar Sai
अध्यक्ष/Chairperson
राष्ट्रीय अनुसूचित जनजाति आयोग
National Commission for Scheduled Tribes
भारत सरकार/Govt. of India
नई दिल्ली/New Delhi

4. Finding the report of Vaagdevi College of Engineering unsatisfactory, the Hon'ble Chairperson, NCST fixed the sitting on 18.11.2019 to have a discussion in the matter with the authorities concerned. Accordingly, as per schedule the sitting was held.

5. In the sitting, the Professor/ Registrar, Jawaharlal Nehru Technological University, (JNTUH) Hyderabad, Professor/Director, University Academic Audit Cell, Principal, Vaagdevi College of Engineering and Jt. Secretary, Vaagdevi College of Engineering Management Committee along with petitioner were present.

6. In the sitting, the petitioner, Shri B. Balaji submitted that he was initially appointed as Teaching Assistant in E.C.E. Department, Vaagdevi College of Engineering on 16.06.2008 and his salary was enhanced on the basis of his satisfactory performance. Then, he got appointed to the post of Assistant Professor, ECE in the year of 2012 in the College and he worked on that post till July, 2019 i.e. date of termination of services. Prior to termination from service, his salary was stopped and not paid from February, 2019 onwards. He was also informed that his services has been terminated w.e.f. 04.07.2019. No termination letter was given and he was asked to resign from the service. In addition, no Memo/ warning letter about complaints of class room performance and affecting of results of the student as alleged by the College Management were issued to him during the service tenure of 11 years. Thus, it shows that the intention of the College Management against him was not affirmative. During his service tenure, no advisory/ explanation about misconduct was issued against him. His original certificate, kept by College Management was not provided to him. He requested the Commission to reinstate his service as Assistant Professor, payment of salary from February to July, 2019 and providing original certificates.

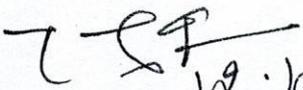
7. In the sitting, the Registrar, JNTUH, Hyderabad informed the Commission that the Vaagdevi College of Engineering is affiliated College with JNTUH. The College has separate rules and regulations for appointment of teaching and non-teaching staff and the University does not have any role to interfere in the appointment of the staff Members of the College. However, the role of the University is only to conduct examination. In the instant case, the University authority called for a report from the College Management and after knowing about non- payment of salary to the petitioner, the College Management was directed to immediately release salary due in favour of the petitioner. Accordingly, the College Management has paid all salary due to him.

The Principal, Vaagdevi College of Engineering has also submitted the facts of the case that the petitioner Shri B. Balaji was initially appointed as teaching Assistant in 2008 and elevated with enhancement of salary from time to time. He was then appointed as Assistant Professor in 2012. Later his class room performance was also affected resulting in complaints from the student community. The administration has warned him several times, cautioned him, and counselled him to improve himself, but in vain. He even refused to receive the official communication. After considering all the facts, and as per the norms of the University and College the petitioner was suspended from service vide order dated


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31.01.2019. Further, as last resort, to maintain discipline in the College, a Committee of the senior Professors was constituted to look into the petitioner's case. The Committee submitted its report wherein it opined to remove Shri Balaji from the services of the College. Accordingly, the petitioner Shri B. Balaji's service was terminated from service w.e.f. 04.07.2019. Being aggrieved of his termination order, the petitioner filed a Writ petition before the Hon'ble High Court of Telangana which is subjudice. In addition, it is informed that he was paid an amount of Rs. 1,98,607/- towards salary for the month of February, 2019 to 04.07.2019 through cheque dated 17.10.2019.

8. The case was discussed in detail. The Commission observed that the petitioner served in the Vaagdevi College of Engineering for last 11 years with unblemished service and there were no complaints of irregularities in his performance of teaching. In the instant case, if there were complaints of poor teaching performance against the petitioner, then, he should have been informed and given opportunity to improve. He was also not counselled/provided training to improve his performance. In addition, his salary was stopped without any reason and any information from February 2019 to July 2019 and finally his services were terminated on 04.07.2019 without any prior notice/seeking explanation and without providing opportunities to defend himself. However, on intervention of the Commission, salary due was paid to the petitioner. The Commission also felt that though there is a court case in the petitioner's matter and as he (petitioner) assured that he will withdraw the case subject to redressal of his grievances, the Commission recommends that the College Management will review the petitioner's termination order and will consider restoration of the services of the petitioner. Further, the petitioner should be provided training/ counselling for improvement of his performance as per Government's guidelines as he belongs to poor ST community. The University authority is also advised to monitor the case and take necessary corrective action. An action taken report on the Commission's recommendations should be submitted by all authority concerned to the Commission within 30 days.


18.12.2019

डॉ. नन्द कुमार साय/DR. Nand Kumar Sai
अध्यक्ष/Chairperson
राष्ट्रीय अनुसूचित जनजाति आयोग
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NATIONAL COMMISSION FOR SCHEDULED TRIBES

Annexure

(File No. BB/7/2019/STGTL/SEOTH/RU-IV)

List of participants

NCST

1. Dr Nand Kumar Sai, Hon'ble Chairperson (In chair)
2. Shri H.K. Damor, Hon'ble Member
3. Shri K. Touthang, Joint Secretary
4. Dr. Lalit Latta, Director
5. Shri Y.K. Bansal, Research Officer

Officers from JNTUH & Vaagdevi College of Engineering, Hyderabad

1. Dr. N. Yadaiah, Professor/ Registrar, JNTUH
2. Dr. K. Ramamohan Reddy, Professor/ Director, University Academic Audit Cell
3. Dr. K. Prakash, Principal, VCE
4. Shri C. Satyapal Reddy, CAO, Jt. Secretary, VCE Management Committee

Petitioner

Shri B. Balaji