Government of India
National Commission for Scheduled Tribes

6th floor, 'B' Wing,
Loknayak Bhawan
Khan market,
New Delhi-110 003

JMM/2/2009/MFIN9/SEHRMT/RU-IV

Dated : 15.02.2011

To,

Shri D. Singh,
General Manager (Per),
Oriental Insurance Company Limited,
Oriental House, PB. No 7037,
Asaf Ali Road,
NEW DELHI.

Sub: Representation of Shri Jai Mal Meena, Deputy Manager, OICL, Jaipur regarding harassment in respect of posting as Divisional Head.

Ref: (1) OICL letter dated 24.08.2009 in response to the NCST letter No. J-9/Ins-5/2005/ST/SSW/RU-IV dated 22.04.2009 and 03.07.2009.

(2) NCST letter No. RU-IV/Service/Finance(Ins)-3/2008 dated 20.01.2011.

Sir,

I am directed to refer to this Commission's letter of even number dated 07.02.2011 on the above subject and to forward herewith a copy of the proceedings of the sitting held in this Commission on 09.02.2011 for necessary action..

2. It is requested that action taken report with reference to the above proceedings may please be sent to the Commission.

Yours faithfully,

(Mrs. K.D. Bhansor)
Deputy Director

Copy to:

Shri. Jai Mal Meena,
133, Vivek Vihar,
Sodala,
Jaipur - 302 019 (Rajasthan).

(Mrs. K.D. Bhansor)
Deputy Director

SSA - NIC

D/C

JMM/2/2009/MFIN9/SEHRMT/RU-IV

Proceedings of the Sitting held in the NCST on 09.02.2011 at 1200 hours to discuss the case of Shri Jaimal Meena, Deputy Manager, OICL, Jaipur regarding his reported harassment by OICL

The following were present:

NCST

1. Shri Rameshwar Oroan, Hon'ble Chairperson (in Chair)
2. Shri Aditya Mishra, Joint Secretary
3. Smt. K.D. Bhansor, Deputy Director
4. Shri H.R. Meena, Sr. Investigator

OICL

1. Shri D. Singh, General Manager (P&HR)

Petitioner:

1. Shri Jaimal Meena, Dy. Manager, OICL, Jaipur

Issue : **Representation of Shri Jaimal Meena regarding his reported harassment by OICL and setting aside departmental enquiry initiated against him in January,2008 by OICL**

Background

1. Shri Jaimal Meena, Deputy Manager,OICL, Jaipur had submitted a representation dated 11.07.2008 to the Regional Office, Jaipur regarding his harassment and deprivation for promotion to the post of Divisional Manager. The matter was taken up with the CMD, OICL by the Regional Office, Jaipur. As no proper reply was furnished by the OICL, a meeting was convened by the Regional Office, Jaipur with the Chief Regional Manager, OICL on 06.02.2009. In the aforesaid meeting, the Regional Office, Jaipur was informed by the OICL officials that a departmental enquiry had been fixed against Shri Meena as per the CBI letter dated 18.12.2007. Regional Office Jaipur, thereafter forwarded the file to the NCST Hqrs. for taking further necessary action in the matter.

Rameshwar Oraon

डा० रामेश्वर उराँव / Dr. RAMESHWAR ORAON
अध्यक्ष / Chairman
राष्ट्रीय अनुसूचित जनजाति आयोग
National Commission for Scheduled Tribes
भारत सरकार / Govt. of India
नई दिल्ली / New Delhi

2. NCST vide letter dated 28.05.2009, followed vide reminder dated 24.02.2010 requested the CMD, OICL for furnishing the said CBI letter. In response to the Commission's letter dated 24.02.2010, the OICL intimated that the matter regarding furnishing the copy of the CBI letter to the Commission had been referred to the Vigilance Deptt. of the Company. As even after lapse of considerable period, OICL didn't furnish further information in the matter, the Commission asked the OICL vide letter dated 20.01.2011 to furnish factual position on the subject. The Commission, however, noted that OICL had earlier informed vide letter dated 12.01.2011, in response to the Commission's letter dated 10.12.2010 in connection with Shri. Meena'a another representation regarding his posting that, though the CBI had concluded that there was not sufficient evidence to prosecute Shri Meena under criminal law, the misconduct of Shri Meena had been established and was tenable for action under Departmental Enquiry. Accordingly, RDA major has been initiated against Shri Meena and the enquiry was under progress. Subsequently, Shri. Meena requested the Commission to stay/set aside/withdraw the reported illegal and baseless chargesheet against him.

Findings

3. The Commission noted that Shri Jaimal Meena had requested the Commission for setting aside the reported departmental enquiry against him and issue necessary instructions to the OICL in this regard. Shri Meena confirmed that this was the main issue which was also effecting his career progression.

4. It was explained by the Commission that in accordance with DoPT OM. Dated 01.01.1998 the Commission has no power to direct withholding of operation of any orders issued by the Govt. Further, in case the recommendations of the Commission in any matter are not implemented by the concerned organization, the case is included in the Annual Report of the Commission as a case of non-compliance of Commission's recommendation.

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5. Shri Meena produced a letter dated 12.05.2008 from the Regional Office, OICL, Jaipur, addressed to the Chief Manager, Vigilance Deptt., New Delhi in which it was mentioned that the alleged letter, which was reported to have been written by Shri R.P. Goenka, MP Rajya Sabha, formed the backbone of the charges. In the aforesaid letter, the Vigilance Deptt., OICL was requested to take up the matter with the CBI and arrange for the original letter. It was also mentioned that in case, original letter could not be made available, a certified copy of the same should be provided to the Regional Office of OICL at Jaipur to enable them to proceed further in the matter. It was specifically mentioned by Shri Meena that the OICL had failed to provide requisite documents to him so far. Shri Meena also mentioned that the charges included in the charge sheet issued by the Deptt. were same as mentioned in the FIR, registered by the CBI. In this connection, Shri Meena also emphasized that the Departmental Enquiry in respect of same charges, for which sufficient evidence was not found by the CBI for proceeding further, was not justified.

6. Shri Devi Singh, General Manager, Oriental Insurance, New Delhi mentioned that the subject matter was related to alleged forgery of signature of Hon'ble MP, Shri R.P Goenka while writing letter of complaints to the Prime Minister's Office against officials of the Oriental Insurance Company. On the basis of the evidences collected during investigation, the CBI concluded that it was Shri Jaimal Meena who had forged the signature of the Hon'ble MP in writing the letter to the PMO. However, the original letter of complaint was not available with the CBI and therefore, the CBI was of the opinion that sufficient evidences, as required in the Court of Law, were not available for prosecution. However, the CBI was of the opinion that on the basis of circumstantial evidence, it can be proved that Shri Jaimal Meena had forged the signature. Accordingly, they recommended Regular Departmental Action against Shri Meena.

7. Shri. Singh, General Manager, OICL further mentioned that in his representation, Shri Jaimal Mena had contended that the then DGM, Jaipur had decided to withdraw the Charge Sheet, CBI had closed the case in the Court and

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also the original complaint was not available and therefore, there was no case against him. In this connection, Shri. Singh clarified that the DGM, Jaipur had not withdrawn the Charge Sheet, Further, CBI had closed the Court case as stated above, but had recommended Departmental Action as there was circumstantial evidence to support the charge. The Departmental Action is, prima facie, based upon preponderance of probability that there was a case for action. He also mentioned that the Regional Office of the Commission at Jaipur, vide letter dated 1.02.2009, addressed to Shri Meena, had informed him that the Commission can't interfere in the proceedings and had also advised Shri. Meena to co-operate with the OICL for early conclusion of the proceedings.

Recommendations

8. The Commission observed that the action, initiated by the OICL for a departmental enquiry again Shri Meena in January, 2008 had not reached to its logical conclusion in spite of lapse of more than 3 years. OICL also need to examine the ground(s) for initiating departmental enquiry against Shri Meena based on the charges, which were reported to be similar to ones against which sufficient evidence had not been found by the CBI, as also pointed out by Shri Meena in his statement quoted above. The Commission therefore observed that the OICL should ensure that stipulated procedures/instructions are strictly followed and the enquiry is held in a transparent manner so that Shri, Meena doesn't feel victimized. The Commission also advised Shri Meena to fully cooperate with the OICL in the departmental enquiry.

9. Shri. Singh, General Manager, OICL assured the Commission that the departmental enquiry again Shri Meena would be completed within a period of 3 months. The Commission desired that the stipulated time period should be strictly adhered to, especially taking into account the abnormal delay which had already taken in the case. Further, the enquiry should be conducted in a transparent manner and following the stipulated procedures/instructions and the Commission may be informed of the status after 3 months.

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