

**Proceedings of the Sitting held in the NCST on 15.06.2012 at 11.30 A.M to discuss the case of Shri B.N. Namata, AO(DTC) LIC of India, New Delhi regarding harassment and promotion.**

The following were present:

**NCST**

1. Smt. K. Kamala Kumari, Hon'ble Member
2. Shri Aditya Mishra, Joint Secretary
3. Shri N. Balasubramanian, Research Officer

**Officers of the LIC of India**

1. Shri M.R. Kumar, Executive Director (Personnel)
2. Shri T.R. Mendiratta, Chief (Personnel)

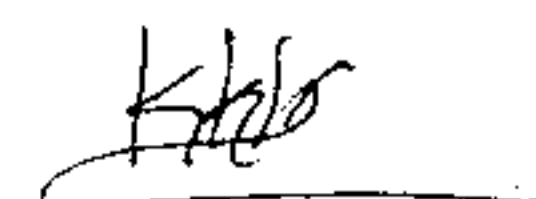
**Petitioner:**

1. Shri B.N. Namata,

**Issue: Representation dated 18.10.2011 of Shri B.N. Namata, AO(DTC) LIC of India regarding promotion and harassment.**

**Background**

A representation dated 18.10.2011 was received from Shri B.N. Namata, AO(DTC) LIC of India regarding harassment and promotion. The matter was taken up with the Chairman, LIC of India, Mumbai vide Commission's letter dated 14.11.2011, under intimation to the petitioner. The matter was followed by reminders dated 27.12.2011 and 11.01.2012.




2. The petitioner further :  
06.02.2012, alleging that  
many ways. i.e. refusal of  
communication of adverse

a representation dated  
gement harassed him in  
mileage expenses, non-  
r ACR etc.

3. The issue was taken , ..... the LIC of India on  
15.02.2012. followed by D.O. reminder dated 27.02.2012  
from the Joint Secretary, NCST. The petitioner submitted two  
more representations dated 14.03.2012 and 20.03.2012 to  
NCST.

4. Smt. K. Kamala Kumari, Hon'ble Member, NCST. fixed up  
a meeting with Chairman, LIC of India on 15.06.2012.

5. The Executive Director LIC of India vide letter dated  
28.05.2012 and 06.06.2012 informed that in the case of  
Shri Namata, "promotion & Transfer Round 2011-12, he had  
represented against non-promotion to the cadre of Assistant  
Divisional Manager. His case was considered for promotion,  
along with other officers who represented against non-  
promotion. However, he was not found suitable for  
promotion to the cadre of Assistant Divisional Manger.  
Moreover, due to the final Order issued to him on  
13.09.2010 imposing the penalty of 'Censure', as per rules,  
his case was not considered for promotion for one year from  
the date of penalty, LIC also informed the Commission that

  
के० कमला कुमारी / K. KAMALA KUMARI  
सदस्य / Member  
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National Commission for Scheduled Tribes  
भारत सरकार / Govt. of India  
नई दिल्ली / New Delhi

Shri Namata has been considered favorably in the current round of promotions (2012-13), and placed in the scale of Assistant Divisional Manager which entitles him to all the benefits of the higher cadre i.e. Assistant Divisional Manager. LIC also assured the Commission that there has been no harassment on consideration of caste either in the matter of disciplinary proceedings against Shri Namata or for consideration of his case for promotion”.

### **Discussion**

6. The matter was discussed in the Sitting held on 15.06.2012 at NCST by Smt K. Kamala Kumari, Hon'ble Member NCST. The petitioner Shri B.N. Namata alleged that the adverse remarks in ACR were not communicated to him in time. He added that LIC Management harassed him in many other ways like refusal of grant of mileage expenses, conduct of second enquiry in his case in which earlier enquiry had conducted and proved no charges against him etc. As per the Supreme Court Judgement Civil Appeal 7631 of 2002 the deficiencies in ACR should be to communicated to the employees in time. He further added that only through the RTI, he came to know about the deficiencies in his ACR. He requested suitable action against the officers who were responsible in the matter. He also alleged that LIC. Management delayed his promotion for six years compared to employees belonging to the general category.

7. In their reply, the Executive Director (Personnel) reiterated the position contained in LIC letter dated 06.06.2012.

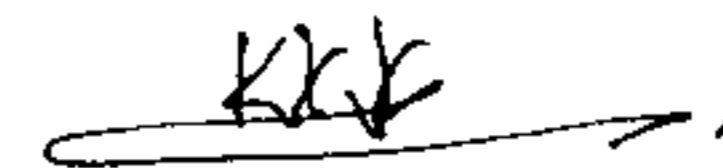
**Observations and Recommendation of the Commission**

8. After detailed discussion, the Commission

a) observed lacuna on the part of LIC Management with regard to non-communication of deficiencies of ACR to Shri B.N. Namata.

b) advised the petitioner to submit a memorial to the Chairman, LIC of India for reduction of penalty in his case immediately. In his memorial, Shri Namata should bring out all the facts, which he thinks, supports his appeal.

c) advised the LIC Management to consider the case of promotion of Shri B.N. Namata for the post of higher grade i.e. Assistant Divisional Manager by giving relaxation since less than one year service before retirement if such relaxation have been considered by the LIC in other cases.



के० कमला कुमारी / K. KAMALA KUMARI  
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