



Government of India
National Commission for Scheduled Tribes
(A Constitutional Commission set up under Art. 338A
of the Constitution of India)

File No. EM/21/2014/MFIN9/SEHRMT/RU-IV

14.12.2015

To,

The Chairman,
LIC of India,
4th Floor, West Wing, Yogakshema,
P.B. No. 19953, Jeevan Bhima Marg,
Nariman Point,
Mumbai - 400 021.

Sub: Representation of Shri Eshwar Malkapure, AAO, LIC of India, Raichur Division, Karnataka regarding penalty of recovery of ₹ one lakh and reduction in basic pay by six stages.

Sir,

I am directed to enclose a copy of the Proceeding of the Sitting held in the NCST on 12.10.2015 on the above mentioned subject for necessary action and to send the action taken report to the Commission at an early date.

Yours faithfully,

sd.
(N. Balasubramanian)
Research Officer

Copy to:-

Shri Eshwar Malkapure,
SR. No. 615049, AAO,
LIC of India, SO Humnabad,
District Bidar,
Karnataka.

sd.
(N. Balasubramanian)
Research Officer

Copy to :-

(1) Director (Admn, RU-III & RU-IV), Deputy Secretary (RU-I & RU-II), All Units of Head quarter, Director/Assistant Director/Research Officer of Regional Offices of NCST

✓ (2) SSA, NIC

2. (N. Balasubramanian)
Research Officer

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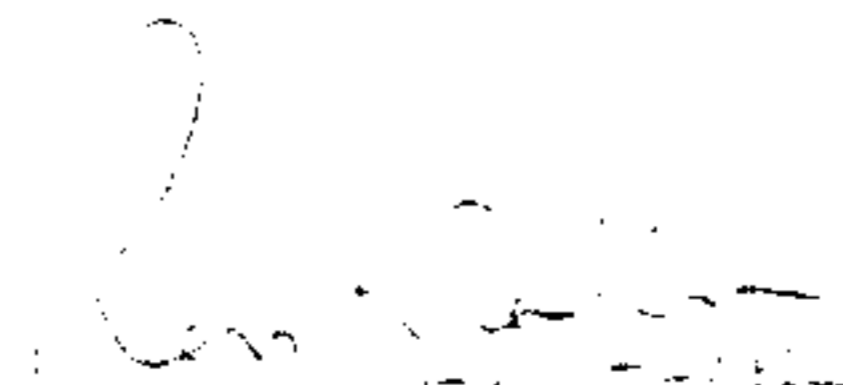
Proceedings of the Sitting taken by the Vice-Chairperson, NCST on 12.10.2015 in the matter of Shri Eshwar Malkapure, AAO, LIC of India, Raichur Division, Karnataka regarding penalty of recovery of ₹ one lakh and reduction in basic pay by six stages.

Date of sitting: 12.10.2015


List of the officers present: (Annex I)

Shri Eshwar Malkapure, AAO, LIC of India, Raichur Division, Karnataka represented on 20.09.14 against the rejection of Appeal against penalty of Rs. 1,00,000 and reduction of pay by 6 stages by LIC authorities. He had submitted that he joined as a Assistant in LIC of India on 10.09.1990 and subsequently promoted to the post of AAO and transferred to Hyderabad. He reported at Hyderabad on 01.10.2009 and was asked to work as cashier and he had alone worked in the said Satellite Office for more than 8 months without other officials. Meanwhile he had been issued charge sheet on 20.03.12. After completion of the enquiry the final order was issued for recovery of Rs. 1,00,000/- and reduction of 6 stages (increments) w.e.f. December- 2013. He has preferred an appeal against the award of disciplinary authority and same was rejected on 16.08.14.

2. Shri Eshwar Malkapure requested that penalty of recovery of Rs. 1,00,000/- and also reduction in basic pay by six stages in the time scale of pay applicable to his cadre will put him in a lot of financial burden on him, and his family will suffer heavily because of the same, hence he request to withdraw the penalty of reduction in basic pay, and also to fix up the collective responsibility of all the three officers in the Hi-tech city SO (including himself) regarding recovery of Ra. 1,00,000/-.

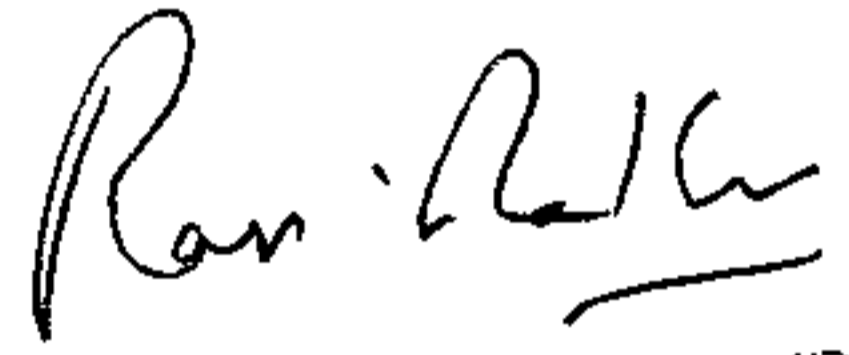

Vice-Chairperson
National Commission for Scheduled Castes
Ministry of Social Justice and Empowerment
New Delhi

3. A notice dated 13.10.14 was issued to Chairman, LIC of India asking facts, LIC vide letter dated 04.12.14 informed that "Shri Eshwar Malakapure, AAO was performing cash officer duties in the HI-Tech City Satellite Office under City Branch 13 of Hyderabad Division. On 18.10.2011, he had collected a cash amount of Rs. 3,45,770.90 and cheque amount of Rs. 2,95,337.00 but had accounted only cash amount of Rs. 2,45,770.90 other than the said cheque amount, in Axis Bank on 19.10.2011, which resulted into a loss of Rs. 1,00,000/- to the Corporation. Shri Eshwar Malkapure had signed the acknowledgement receipt in token of handing over the cash of Rs. 2,45,770.90 on 19.10.11.
4. The Disciplinary Proceedings were conducted wherein charges/involvement in short remittance of cash Rs, 1,00,000/- after having acted as cash officer was established against him and charges were fully proved.
5. The Disciplinary Authority concurred with the findings of the Enquiry Officer, and Final Order dated 02.12.13 was issued imposing the penalty of "Recovery of loss of Rs. 1,00,000/- and Reduction in Basic pay by 6(six) stages in the time scale of pay applicable to his cadre in terms of Regulations 39(1) (c) and 39 (1) (d) of LIC of India (Staff) Regulations, 1960.
6. Shri Eshwar Malkapure submitted an appeal to the Appellate Authority, which was considered and rejected vide order dated 16.08.14.
7. It is evident that Shri Eshwar Malkapure, AAO was penalized for the financial irregularity committed by him".
8. Petitioner was informed on 18.12.14.
9. On further representation dated 28.09.15, a Sitting was fixed for discussion on 12.10.15 by Hon'ble Vice-Chairperson.
10. CMD, LIC of India sought exemption for appearance and on behalf of CMD, Liaison Officer appeared. The petitioner explained that two other


 K. Srinivas
 Joint Secretary
 National Institute of Economic Research
 Government of India
 New Delhi

officers namely Smt. M. Ajitha and Shri V. Uma Sekhar have not been punished and no action has been taken against him. LIC officer said that the procedure was followed and Shri Eshwar Malapure has been awarded the punishment of reduction in basic pay by 6 stages. The petitioner submitted an appeal before the Appellate Authority and was rejected on 16.08.14 by competent authority.

11. The Commission noted that this is a case of financial embezzlement and administrative action has been taken by LIC as per procedure. Since the loss incurred to LIC to the tune of Rs. 1,00,000/- has already been recovered from him, the Commission feels that the stoppage of 6 increments with effect from December, 2013 is on the higher stage and advise LIC to reduce the same approximately and also to see the discrimination part if any being a ST candidate who belongs to a downtrodden family.


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

NATIONAL COMMISSION FOR SCHEDULED TRIBES

Annexure-1

File No. EM/21/2014/MFIN9/SEHRMT/RU-IV

List of participants

NCST

1. Shri Ravi Thakur, Hon'ble Vice Chairperson (In chair)
2. Mrs. K.D. Bhansor, Director
3. Shri N. Balasubramanian, Research Officer

Officers of LIC of India

1. Smt. Nalini M Ratnam, Chief (Liaison)
2. Shri K. Rajora, Assistant Secretary, (Liaison)

Petitioner

Shri Eshwar Malkapure