



सत्यमेव जयते

न्यायालय मुख्य आयुक्त विकलांगजन
COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES
विकलांगजन सशक्तिकरण विभाग / Department of Empowerment of Persons with Disabilities
सामाजिक न्याय और अधिकारिता मंत्रालय / Ministry of Social Justice and Empowerment
भारत सरकार / Government of India

Case No.354/1028/12-13

Dated:- 20.01.2017

In the matter of:

Shri A.B. Sharan, *D698*
301, Bageshwari Enclave,
Chitragupt Colony, Sulanki, Hatia,
Ranchi – 834003
Email<absharan49@gmail.com>

..... Complainant

Versus

The State Bank of India,
(Through Deputy General Manager &
Circle Development Officer), *D699*
Human Resource Department,
Local Head Office,
West Gandhi Maidan,
Patna-800001.

..... Respondent

Date of hearing : 11.11.2016

Present :

1. Shri A.B . Sharan, Complainant.
2. Shri Om Prakash Sinha, Chief Manager (HR) on behalf of Respondent.

ORDER

The above named complainant, a person with 80% locomotor disability filed complaint dated 21.01.2013 under the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, hereinafter referred to as the Act regarding non-payment of officiating allowance, garage rent, perks and other bills.

2. The complainant submitted that during his tenure in SBI, the officiating allowance was not paid for the period from August, 1991 to January, 2005. He sought help from National Human Rights Commission (NHRC), New Delhi and by the interference of NHRC he got the officiating allowance for 10 months and the matter was closed by SBI fraudulently replying to NHRC that the entire officiating allowance for the tenure in Hatia Branch has been paid (i.e. 56 months) but actually he received the officiating allowance for only 10 months. He further submitted that he enquired about his unpaid officiating allowance through RTI Act, but SBI never replied after making first appeal, SBI responded to him on 21.12.2012 that they would reply to him shortly but till date no reply has been received. He again sent an application to the Chairman for his unpaid dues . He received a reply from AAGM (HR) that he is ineligible for officiating allowance, they did not mention any reason as to why he is ineligible for the same and also did not answer his question which he had asked in his letter.

3. The respondent vide his letter dated 11.06.2013 submitted that the complainant has made certain allegations regarding non-payment of officiating allowance for the period dating back from August, 1991 to December, 2005. We are in the process of collecting the details of postings and different desks handled by Shri Sharan during the period August, 1991 to December, 2005 from the controllers of branches where he was posted. Regarding non-payment of garage rent, perks, other bills etc., we note that Shri Sharan has not specifically mentioned the details in his letter, rather it is appearing only in the subject matter of his letter dated 21.01.2013.
4. The complainant vide his rejoinder dated 24.12.2013 submitted that due to not making payment of my pending bills by the Branch Manager, Ranchi inspite of repeated requests, I had written a letter on 25.02.2011 to the General Manager, State Bank of India, Patna but till today except the payment of scholarship, no payment has been received of my pending bills. I am receiving my pension of D.R.H., Hatia Branch and in this Bank Branch I have some S.T.D.R.. I had given 15H Form after filling the same, inspite of that approx Rs.12,221/- were deducted from my pension as Income Tax. Alongwith the detail, neither my name was given nor the PAN number. After this, the Branch Manager, Ranchi assured me that the deducted amount will be returned to me after some time but till today that amount has not been returned to me. The detail of my Deposit/investment is not being sent to the Pension Department due to which every month the Income Tax is deducted from my pension which should not be deducted. In the Financial Year 2012-13 due to not sending the detail of deposit/investment in Pension Department, much amount was deducted from my Pension. I have not been given the Form-16, due to that reason, the amount of Income Tax which has been deducted from my pension, has not been refunded to me. The excess amount deducted may kindly be refunded to me.
5. A copy of rejoinder received from the complainant was forwarded to the respondent vide this Court's letter dated 24.02.2015 for his comments followed by reminder dated 10.06.2015.
6. The respondent vide letter dated 04.07.2015 submitted that as regards the TDS, the Branch has been instructed to file the revised TDS return with I.T. authorities. Further, AGO Complex Branch has been advised to the complainant on 23.04.2015 vide their letter no. Branch/15-16/20 dated 23.04.2015 and also requested over telephone to submit copies of the pending bills for due consideration at our end, the response from complainant is still awaited.
7. Upon considering respondent's replies dated 11.06.2013 and 04.07.2015, complainant's letters dated 07.12.2013, 17.12.2013 and 24.12.2013, a hearing was scheduled on 11.11.2016.
8. During the hearing on 11.11.2016, the Complainant reiterated his written submissions and submitted that he was posted in Gumla Branch from 1991 to December, 1992 as Support Officer, in January, 1993 to 2001 in Ranch Branch as Deputy Manager Advances and from 2001 to January, 2005 in Hatia Branch as Pension Cell Incharge, Scale-II Officer. My claim of Officiating Allowance was from my posting in Gumla Branch upto Hatia Branch, 2005. I have not been paid the difference

amount of Officiating Allowance already paid. I have not been paid the Purse Allowance which is granted by the Bank officials, which may be paid to me. The amount of PF which becomes of Officiating Allowance, that also should be paid to me. The Inverter Allowance should also be paid to me. The bills which I have already submitted, they may also be paid to me. In addition to these, the Income Tax which has been deducted more, that may be refunded to me. I have not been given the Form 16A, that may be given to me. The payment of my Mutual Fund Recurring Account has not been given to me. The refund of VAT has also not been done. He prayed that my balance amount may be paid to me.

9. The Representative of the Respondent submitted that despite reminders, the Complainant has not submitted the detail of his pending bills for payment and has also informed the period from which his claim of Officiating Allowance is pending. As soon as he submits the detail of his pending bills, the same will be sent to the concerned branches of the Bank where he worked and after verification of the pending bills, if the payment remains pending that will be made to him as per rules. The Complainant has already received the Officiating Allowance of ten months, that will be deducted while making the payment. The Bank has already requested the complainant to maintain his communication with the Bank continuously so that payment could be made at the earliest.

10. After hearing the parties and perusing the record on file, the Complainant is directed to submit his pending bills for payment to the respondent and maintain his communication with the Bank continuously so that the payment could be made at the earliest. The Respondent is also directed that as soon as the detail of payment bills is received from the Complainant, after due verification from the concerned Branches, payment may be made to the complainant, so that the person with disability may not deprive of his legitimate rights

11. Action taken in the matter be intimated to this Court within six weeks from the date of receipt of this Order.

12. The matter stands disposed off accordingly.



(Dr. Kamlesh Kumar Pandey)
Chief Commissioner
for Persons with Disabilities