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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 12017/2023 & CM APPL. 72057/2024**

DEEPIKA KISPOTTA

.....Petitioner

Through: Ms. Zeba Khair, Ms. Farheen
Intakhab and Mr. Mohd. Rayyon,
Advocates.

versus

NATIONAL COMMISSION FOR SCHEDULED TRIBES & ORS

.....Respondents

Through: Mr. Sidhartha Barua and MR.
Anuraag Mehta, Advocates for R-2.
Ms. Indrani Mukherjee, Advocate for
R-3.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

16.12.2024

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1. The Petitioner, Ms. Deepika Kispotta, is a lady officer belonging to minority community i.e., Oraon Tribe (Scheduled Tribe) working in IDBI Bank Limited, Respondent No. 2. She has filed the present petition seeking the following reliefs:

- “a. Issue appropriate Writ and direct Respondent Nos.1 to act under its powers and forward the case to a Magistrate having the jurisdiction to try the same in exercise of its powers under Rule 15.6 of NCST Rules;*
- b. Issue appropriate Writ and direct Respondent No.2 to take strict disciplinary action against Respondent No.3 and award major penalty in terms of para 29-30 above amounting to termination of Respondent No.3 in terms of Rule 4 of IDBI Ltd. Officers’ (Appeal and Discipline) Rules, 2006, having found guilty under the Rule 5 of IDBI Ltd. Officers’ Conduct Rules, 2006 by Respondent No.1;.”*



2. At the outset, Ms. Zeba Khair, counsel for Petitioner, has stated that Petitioner is not pressing prayer (a) and confines the relief to prayer (b).

3. Ms. Khair states that Petitioner is aggrieved by the disparaging remark made by the Executive Director of Respondent-Bank, Mr. Shailendra Govind Nadkarni (Respondent No. 3), on 18th October, 2018, which was allegedly a comment on Petitioner's performance. The said remark being – *'You know that you had done debacle in Siri Fort Branch due to which you were removed and this time I am not going to leave you'*.

4. Aggrieved by the aforesaid statement, Petitioner issued a complaint dated 20th October, 2018 to the General Manager, Mr. Manoj Kumar, which reads as follows:

*"Respected Sir,
During meeting with ED dated 18.10.18 regarding expected recovery in VBD cases, ED alleged that I had done DEBACLE in Siri Fort Branch, due to which I was immediately removed from the Branch, further he also alleged that I was given an opportunity in Retail Recovery by creating special team [i.e by carving from existing sol413) to prove myself.
Sir, I feel the allegation of Debacle and asking for a favourable profile is a serious concern in banking term. In this regard, since you were and are my immediate supervisor I request you to clarify the following:*

- When and what type of Debacle had I created in Siri Fort Branch and what remedy / action you had taken to fix the Debacle?*
- When had I requested for a favourable department/profile to prove myself?"*

5. This was followed by two complaints made to the Grievance Redressal Cell of the Respondent-Bank demanding internal inquiry in the matter. Dissatisfied with the response received from the authorities, Petitioner filed complaint dated 15th October, 2024 to the National Commission for Scheduled Tribes¹ as well as to Station House Officer,

¹ "NCST"/ "the Commission"



Police Station Jhandewalan. Petitioner's complaint was subsequently decided by the NCST on 13th July, 2021, directing the Respondent-Bank to resolve Petitioner's grievance at a personal level and submit an action taken report to the Commission.

6. The Petitioner contends that despite the order of the NCST, no punitive action was taken against Respondent No.3, compelling the Petitioner to invoke the jurisdiction of this Court under Article 226 of the Constitution of India, 1950, seeking disciplinary action to be initiated against Respondent No. 3 for award of major penalty punishments under the IDBI Limited Officers (Appeal and Discipline) Rules, 2006.

7. On the other hand, counsel for Respondent No. 2, strongly controverts the afore-noted allegations and also object to the maintainability of the present proceedings on several grounds, including jurisdiction exercised by the NCST. He further clarifies that the Bank is not privy to any of the conversations that has transpired between Petitioner and Respondent No. 3 and therefore, is not in a position to comment on the allegations made by Petitioner as those utterances were allegedly in a closed-door cabin.

8. Nonetheless, counsel for Respondent No. 2 clarifies that the allegations against the Petitioner have not been registered in her service record with the Bank and assures that the same will not hamper Petitioner's further promotional avenues as the Petitioner's promotion shall be examined on their own merits without any reference to the impugned allegations which forms subject matter of the complaint made to the Bank.

9. Counsel for Respondent No. 2 also highlights that on 6th August, 2021, an advisory was issued to Respondent No. 3 to the following effect:

"During the course of your tenure and duties as Executive



Director-Delhi Zone [Grade 'G'] at Delhi Zonal Office, Videocon Tower, New Delhi from May 2, 2018 to July 21, 2019, the Bank has received a complaint from fellow officer Smt. Deepika Kispotta, DGM, RPU North, Delhi, that you have abused your position and publically humiliated the officer. The Hon'ble National commission for Scheduled Tribes had summoned the MD & CEO of the Bank for personal appearance and recommended for redressal of the complaint.

*2. In this connection, a reference is invited to Rule 5 (2) of the IDBI Ltd Officers' (Conduct) Rules 2006, whereby you are expected, inter-alia, to show courtesy to all persons. Taking a holistic view of the circumstances in the instant case, you are hereby **advised** to be more careful in future while performing your duties and abide by provisions of IDBI Ltd Officers' (Conduct) Rules, 2006.*

Please acknowledge receipt."

10. Subsequently, Respondent No. 3 responded to the aforesaid communication on 9th August, 2021 which reads as follows:

"Dear Sir,

I acknowledge receipt of letter HRD.No.986/Staff dated August 6, 2021. I may mention that the incident referred therein was a routine interaction by the Zonal Head with the branch official exhorting better performance. This was done in usual course with other branch officials, Regional Heads and other business functionaries also, based on performance numbers. I regret the inconvenience it has caused to the Bank and the officer, which was entirely unintentional.

I hereby submit and commit that I will continue to exercise requisite discretion in my interactions so that such incident would not recur in future."

11. In view of the foregoing, Ms. Khair states that since Respondent No.2 has clarified that the impugned comment made by Respondent No. 3 is not being recorded as performance issue by Respondent No. 2, Petitioner's grievance stands redressed and the petition can be disposed of.

12. Accordingly, the present petition is disposed of along with pending applications.

SANJEEV NARULA, J

DECEMBER 16, 2024/d.negi