

ORDER.

Case No 6065/4/26/23. Dt: 28-11-23.

1. Full Bench of the Commission has perused the complaint dt 24-11-23 and of Honble Sr Justice Vinod Kumar Sinha (Retd), who happens to be the Ex-Chairperson of this Commission and the scrutiny order dt 27-11-23 passed thereon by the Chairperson of the Commission.
2. Full Bench of this Commission has noted the grievance of Ex-Chairperson-Honble Sr Justice Vinod Kumar Sinha (Retd) that he was receiving pension without Dearness Allowance from the State Bank of India, while working as Chairperson but after expiry of his tenure, because of some communication from the D.D.O. of this Commission, the Dearness Allowance on his pension has not been started by the State Bank of India. It is further averred therein that he has no information about such letter nor copy thereof is send to him and D.A. on his pension is illegally held up.

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3.

Sec 2cd) of the Protection of Human Rights Act 1993 (H.R. Act for the sake of brevity) explains and defines 'human right' as right relating to life, liberty, equality and dignity of the individual guaranteed by the Constitution etc. Hon'ble Supreme Court by its several authoritative pronouncement has given new dimension to this human right even enshrined in Article 21 of the Constitution of India. Every person has inalienable and fundamental right to live dignified life without exploitation by the authorities of the state. Non payment of legally entitled pensionary benefits is denial of right to life with basic ~~human~~ human dignity. Prima facie, in this case, it is reflected from the complaint of Hon'ble Smt Justice Vinod Kumar Sinha (Retd) & Enforcement of this Commission that a senior citizen like him is made to suffer violation of his basic right of life with dignity by withholding his D. A. or pension by the Secretariate of



this Commission without even notifying him.

4. Audi Alteram Partem is a basic rule of natural justice and the Administrator is supposed to hear the affected person if an administrative action entails civil consequences. Perusal of the instant complaint shows that Hon'ble Smt Justice Vinod Kumar Sinha (Retd) & Ex Chairperson was not even heard prior to ~~stop~~ withholding or non release of D.A. on his pension after completion of his tenure as Chairperson, B.H.R.C.
5. It is really unfortunate that Ex-Chairperson of this Commission has to make complaint of violation of ^{his} human rights before this Commission. We are conscious of the fact that we have not ordered or approved such an act on the part of the Secretariat of this Commission nor record of any such act has been placed before us for ratification. Sec 21(3) of

the H. R. Act 1993 makes it clear that the Secretariat of this Commission is under control of the Chairperson while exercising all administrative and financial powers.

However, it is seen that here the Secretariat of the Commission is acting in an autocratic manner, if allegations are ultimately found to be correct. The matter therefore seems to be ~~serious~~ very serious and though therefore the full Bench of this Commission unanimously decided to take cognizance of this complaint. Hence the following order: -

Call report on the Complaint from the following authorities: -

- (a) The Chief Secretary, State of Bihar, Patna.
- (b) The Addl Chief Secretary, Home Department, State of Bihar.
- (c) The Branch manager, State Bank of India, Patna High Court Branch, Patna.
- (d) The Secretary, Bihar State Human Rights Commission, Patna.




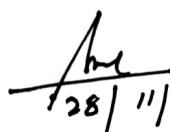
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- (e) The Deputy Secretary, Bihar State Human Rights Commission, Patna.
- (f) The Joint Secretary, Bihar State Human Rights Commission, Patna
- (g) The Regional Manager, State Bank of India, Central Pension Division, Patna.

Report be submitted within a period of six weeks for deciding the further course of action in the matter. The copy of the complaint alongwith the copy of this order be forwarded to all these authorities.

Put up for further consideration on 8-1-24.


(S. S. Sharma)
Member,


28/11/23
(U. K. Dubey)
Member.


28-11-23.
Chairperson.



In lieu of Buff sheet

Today, I received a complaint letter dated 24-11-2023 from Hon'ble Shri Vinod Kumar Sinha, Ex. Chairperson, Bihar Human Rights Commission. Office file regarding the same be opened for administrative action.

Perusal of said letter depict sorry state of affair in the office of State Human Rights Commission. Hon'ble Ex. Chairperson in the said letter has stated that he was receiving the pension without D.A from State Bank of India while working as Chairperson, but after expiry of his tenure, because of some communications from D.D.O of this Commission, Dearness Allowance on his pension has not been started by the State Bank of India. Contents of the said letter reflect prima facie Commission of misconduct by the officials of the Commission apart from flagrant violation of human rights of a senior citizen.

In the light of this letter from the Hon'ble Ex. Chairperson, the learned Registrar of this Commission is directed to hold preliminary fact finding inquiry into alleged malfeasance, dereliction of duty, malafide exercise of jurisdiction and negligence in discharge of official duty etc., by the Officer/officers of this Commission. The learned Registrar is requested to submit his report, in respect of, preliminary fact finding inquiry by collecting all relevant actionable materials within two weeks positively.

Open the file and issue letter to the learned Registrar for compliance of this order. Similarly register the complaint separately and place it before the Full Bench of the Commission as per order. Office to take follow up action as per orders on the said letter.


(Ananta Manohar Badar)

Chairperson
Bihar Human Rights Commission

To,

The Registrar
Bihar Human Rights Commission,
Patna

Ref: Order dated 24-11-2023 passed on the note sheet by the Chairperson,
Bihar Human Rights Commission on 24-11-2023.

Sub: Conduct of preliminary fact finding inquiry into the complaint of Hon'ble
Shri Vinod Kumar Sinha, Ex. Chairperson, Bihar Human Rights Commission.

Sir,

I have prima facie noticed misconduct on the part of the officials of this Commission in issuing some Communications thereby putting Hon'ble Shri Vinod Kumar Sinha, Ex. Chairperson into trouble by non-release of Dearness Allowances on his pension by the State Bank of India.

You are, therefore, requested to conduct detailed preliminary fact finding inquiry for collecting the actionable material and indicating name/ names of erring Officers and Staff for taking appropriate administrative action against them. Preliminary fact finding inquiry be conducted within a period of fifteen days and report thereon with actionable material be forwarded to the undersigned confidentially, for taking suitable action.

Yours Sincerely


(Ananta Mahohar Badar)
Chairperson, BHRC

Encl: Letter dated 24-11-2023 of ex. Chairperson Bihar Human Rights Commission.

Copy to: Secretary, Human Rights Commission for co-operating the learned Registrar, BHRC in
conducting fact finding inquiry.

From

Vinod Kumar Sinha,
Ex-Chairperson,
Bihar Human Rights Commission,
Patna.

To

The Chairperson,
Bihar Human Rights Commission,
Patna

Sub : Non-payment of Dearness Allowance (D.A.) on my Pension, even after expiry of my tenure as Chairperson, Bihar Human Rights Commission.

Sir,

Let me first extend you my heartiest greetings and well wishes on your joining the post of Chairperson, Bihar State Human Rights Commission.

You may be aware that earlier I was appointed as Chairperson of

Bihar State Human Rights Commission and after joining the post of Chairperson, I sent a letter to the Bank Manager of State Bank of India,

Patna High Court Campus, from where I was getting my pension, to stop payment of admissible D.A. on my pension as I intended to get

D.A. on my salary and also to adjust excess amount if already paid, vide my letter dated 11.09.2020. Copy of above letter dated 11.09.2020 has

been sent to the Accountant General (Bihar) also. Later on payslip was

also issued from the Accountant General (Bihar). Accordingly, I was

getting pension without D.A. from the State Bank of India and salary

and D.A. from Bihar State Human Rights Commission.

DDO to see
that the grievance
of Hon'ble
Ex-Chairperson
is redressed
TADA + only.

Am Kumar.
27-11-23

20035/CR/2023
29/11/2023

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Seen. Perusal of the complaint shows blatant violation of human rights of a senior citizen who happens to be the Ex-Champerson of the Commission by the Officers of the Commission. Hence by taking cognizance, the complaint, apart from other action, needs to be dealt with under provision of the ~~the~~ Protection of Human Rights Act, 1993.

Therefore the complaint be placed before the full bench of this Commission at 11 am of 28-11-23 for ~~dec~~ consideration by registry the same.

Am/Saib.
27-11-23.

After expiry of my tenure on 6.7.2023, I informed the same to the State Bank of India, with a copy to the Accountant General (Bihar) and requested to start payment of D.A. with pension, vide my letter dated 07.08.2023. However, payment of D.A. has not been started though I was getting pension regularly from the State Bank of India. When I inquired, I came to know that some communication had been made by D.D.O. of Bihar ~~State~~ Human Rights Commission. I have no information about any such letter nor copy of such letter has been sent to me.

I am entitled for payment of D.A. on pension, which has illegally been held up.

I, therefore, request you to look into the matter and take an appropriate action for payment of D.A. and arrears of D.A.

Thanking you.

Encl : 1. Copy of letter dated 11.09.2020
2. Copy of letter dated 07.08.2023

Your's sincerely,



(Vinod Kumar Sinha)
Ex Chairperson,
Bihar Human Rights Commission