



LEGISLATIVE ASSEMBLY
NATIONAL CAPITAL TERRITORY OF DELHI

COMMITTEE ON PETITIONS

TWENTY FIRST REPORT OF THE SIXTH ASSEMBLY

SUBJECT: ALLEGED IRREGULARITIES IN THE ARBITRATION
BRANCH OF REGISTRAR COOPERATIVE SOCIETIES

PRESENTED ON 02ND DECEMBER, 2019
ADOPTED ON 3RD DECEMBER, 2019

Legislative Assembly, Old Secretariat, Delhi – 110054

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DELHI LEGISLATIVE ASSEMBLY
COMMITTEE ON PETITIONS

COMPOSITION OF THE COMMITTEE

1. Sh. Saurabh Bhardwaj	CHAIRMAN
2. Sh. Pankaj Pushkar	MEMBER
3. Sh. Akhilesh Pati Tripathi	MEMBER
4. Ms. Bhavna Gaur	MEMBER
5. Ms. Bandana Kumari	MEMBER
6. Ch. Fateh Singh	MEMBER
7. Sh. Girish Soni	MEMBER
8. Sh. Raju Dhingan	MEMBER
9. Sh. Shri Dutt Sharma	MEMBER

Assembly Secretariat:

1. Shri C. Velmurugan	Secretary
2. Shri Sadanand Sah	Deputy Secretary
3. Shri Manjeet Singh	Deputy Secretary

PREFACE

1. I, the Chairman, Committee on Petitions, having been authorized by the Committee to present on their behalf, this Report on the petition received from Sh. Anil Kumar Gaur, r/o A-35/1, Bhatia Gali, Mauj Pur, Delhi-110053, countersigned and presented by Sh. S.K. Bagga, Hon'ble MLA and referred to the Committee on Petitions by the Hon'ble Speaker, Delhi Legislative Assembly. The Petition alleged irregularities in the Arbitration Branch of Registrar Cooperative Societies in the matter pertaining to 11 ex-employees of Delhi Nagrik Sehkari Bank Ltd.
2. The Committee considered and adopted the Draft Report at their sitting held on 29.11.2019
3. The observations / recommendations of the Committee on the above matter have been included in the Report.
4. I would like to thank all the Members of the Committee for their continued guidance.
5. The Committee places on record their profound appreciation for the valuable assistance rendered by Sh. Sadanand Sah, Deputy Secretary, Sh. Manjeet Singh, Deputy Secretary, Sh. Subhash Ranjan, Section Officer, Ms. Chichanbeni A Kithan, Fellow, Delhi Assembly Research Centre (DARC) and other staff of Assembly Committee in preparation of the report.

Dated: 30.11.2019

Place: Delhi



(SAURABH BHARDWAJ)
CHAIRMAN
COMMITTEE ON PETITIONS

GENESIS

The Delhi Cooperative Societies Act, 2003, was enacted on 29th July 2003 by the Legislative Assembly of the National Capital Territory of Delhi, in order to achieve the following objectives¹:

- i. To consolidate and amend the laws relating to co-operative societies,
- ii. To facilitate the voluntary formation and democratic functioning of cooperatives as people's institutions based on self-help and mutual aid to enable them to promote their economic and social betterment and
- iii. To provide for better regulation, management, functional autonomy of such societies and for matters connected therewith or incidental thereto in the National Capital Territory of Delhi.

There are two main premises on the basis of which Cooperative Societies function. Firstly, they are voluntary which means that members voluntarily agree to enter a formal contract with each other to achieve a common goal usually economic in nature. Secondly, they are democratic organizations that ensure that all members actively participate in setting their policies and making decisions. As such, it is possible that conflicts and disputes arise in co-operatives, as in any other organization. When such disputes arise, it is the duty of the Arbitrator to find out whether the dispute is admissible under section 70 of the DCS Act, 2003 and passed its order within 90 days from the date of the receipt of the application.

Therefore, the role of the Arbitrator becomes paramount in ensuring that justice is served to the aggrieved. However, when the Arbitrator himself/herself misuses/violates the authority vested upon him/her by virtue of holding the office (as in the present case), either by wilful or involuntary lapses in performing his/her duty, then appropriate actions are required to be initiated against such defaulting officials as per the existing Rule of Law which is clearly defined under the Central Civil Services (Conduct) Rules, 1964. The relevant provisions under Rule 3 of CCS (Conduct) Rules, 1964, applicable for the present case is given as under:

¹ The Delhi Cooperative Societies Act, 2003, Section 1.

“Every Government servant shall at all times—

- i. Maintain absolute integrity
- ii. Maintain devotion to duty
- iii. Do nothing which is unbecoming of a Government servant
- iv. Maintain high ethical standards and honesty
- v. Maintain accountability and transparency
- vi. Maintain discipline in the discharge of his duties and be liable to implement the lawful orders duly communicated to him
- vii. Perform and discharge his duties with the highest degree of professionalism and dedication to the best of his abilities.”²

² Central Civil Services (Conduct) Rules, 1964, Rule 3(i,ii,iii,vi,ix,xix,xxi)

INTRODUCTION

1. Sh. Anil Kumar Gaur submitted a petition alleging various irregularities in the Arbitration Branch of Registrar Cooperative Societies. The Petition was countersigned and presented to the Hon'ble Speaker, Delhi Legislative Assembly by Sh. Sh. S.K. Bagga, Hon'ble MLA and referred to the Committee on Petitions on 02.08.2018.
2. The petitioner leveled allegations against two officials of the Arbitration branch of Registrar Cooperative Societies namely, Sh. Jitender Kumar, Assistant Registrar (Arbitration) and Sh. Gurvinder Singh, Data Entry Operator (Arbitration) in the Arbitration cases of 11 ex-employees (case no. 2847, 2848, 2849, 2850, 2851, 2852, 2853, 2854, 2855, 2856 and 2869) of Delhi Nagrik Sehgar Bank Ltd., whose services were terminated due to illegal appointment.
3. The petition of Sh. Anil Kumar Gaur is reproduced as under:

Based on the proceedings of the various committees of the Legislative Assembly in different cases related to Delhi Nagrik Sahkari Bank, it has been proven beyond doubt that rampant corruption was going on in the DNSB Ltd.

Moreover, it was only after the order dated 27.11.2012 of the Hon'ble High Court of Delhi in the WP (C) 7398/12 titled "Anil Kumar Gaur vs. Delhi Nagrik Sehkar Bank Ltd." that the Registrar of Cooperative Societies came in to action and passed an order dated 17.04.2017, imposing a fine of Rs.5,00,000/- on the each of the board members who violated the DCS Act to recruit their family members/relatives in the Delhi Nagrik Sehkar Bank. The Registrar of Cooperative Societies further stated in his order that the CEO of the Bank and the Office of the Banking Branch of the Cooperative Society should proceed as per the rule provisioned under the DCS Act in the matter of suspension of the 40 employees who have been recruited through unfair means.

Further, in this matter, the Managing Committee of the Bank took a decision dated 28.06.2017, through which an order was passed to discharge all the 40

employees from the bank. Thereafter, 27 of the 40 employees filed an appeal (83/17) in the Delhi Cooperative Tribunal staff and 11 filed an appeal before the Hon'ble High Court of Delhi and the remaining one went to the Labour Court. The 11 employees who filed an appeal before the Hon'ble High Court were directed by the Hon'ble Court to submit their plea before the Registrar Cooperative Societies vide case no. WP (C) 6949/2019 dated 11.08.2017.

Based on the information available, the following details were placed before the Committee on Petitions regarding the Arbitration cases of 11 ex-employees being heard under Jitender Kumar, Assistant Registrar of the Registrar Cooperative Societies:

- i. Under the DCS Act Section 70, the power of hearing lies with the Registrar Cooperative Societies but in matters when there is a large number of cases, the power can be delegated to the subordinate staff. However, in this case, the order of the Registrar Cooperative Society has been challenged.
- ii. Sh. Jitender Kumar, while hearing the Arbitration cases filed by 11 ex-employees of Delhi Nagrik Sehkari Bank Ltd. under section 70 of DCS Act 2003, in the capacity of Assistant Registrar (Arbitration) of Cooperative Societies, did not include the complainant Sh. Anil Kumar Gaur as a party to the hearings of the cases. However, on the first page of the order of the Registrar Cooperative Societies dated 17.04.2017, it is clearly mentioned that on the basis of the Hon'ble High Court case WP (C) 7398/12, Sh. Anil Kumar Gaur had filed a petition to the Registrar Cooperative Societies regarding the same matter.
- iii. An application filed by Sh. Anil Kumar Gaur under order-1-Rule 10 of CPC along with his signature on the noting sheet was removed from the files.
- iv. Sh. Jitender Kumar, Assistant Registrar reserved the orders on 01.05.2018 in the Arbitration cases filed by 11 ex-employees of Delhi Nagrik Sehkari Bank Ltd and claimed that the orders were passed and dispatched on 29.05.2019. Based on this premise, the following allegations were made:

- a) Entries were made in the dispatch register on backdate to show that the final order was passed and dispatched on 29.05.2018.
 - b) Why there was no record of acknowledgment of speed post/ communication available with regard to these orders?
 - c) It was learned that the orders have been kept for order on 29.05.2019 only when the Deputy Registrar (Vigilance), Sh. Lekh Raj, showed the file to Sh. Anil Kumar Gaur. Why was the information not available in the file?
 - d) Why was the order not dispatched until July 2019? For what matter Jitender Kumar waited for 90 days? Was there any deal with the employees? Was he waiting for all the conditions to be fulfilled by the Deal? And as soon as all the conditions of the deal were fulfilled in July, a backdated order was passed?
 - e) If Sh. Jitender Kumar was transferred from Arbitration Branch on 29.06.2018, why were his signatures found on the dispatched orders in the month of July 2018.
 - f) Why did Sh. Gulshan Ahuja, Assistant Registrar (successor of Sh. Jitender Kumar) issued a fresh notice for hearing on the same cases on 12.07.2018?
 - g) If there was no stamp for the post, where did Sh. Gulshan Ahuja, Assistant Registrar (successor of Sh. Jitender Kumar) got the stamp to dispatched the orders in July?
- v. After the file was shown to Sh. Anil Kumar Gaur, he learned that Sh. Jitender Kumar had hurriedly passed only half page of the order whereas the Hon'ble Registrar Cooperative Societies had passed 22 pages of order and Hon'ble High Court passed 7 pages of order.
 - vi. Sh. Gurvinder Singh, Data Entry Operator (DEO) conducted hearings on the cases in the absence of Sh. Jitender Kumar, Assitant Registrar which was beyond his official capacity as DEO.
 - vii. Based on the aforementioned allegations, it is clear that Sh. Jitender Kumar, Assistant Registrar, and Sh. Gurvinder Singh, Data Entry Operator (DEO) has misused/ abused their official powers. This is a serious matter which needs to be thoroughly investigated.

PROCEEDINGS

1. In order to ascertain the facts and to investigate the allegations leveled in the said Petitions, the Committee on Petitions held its meetings on 30.08.2018, 15.02.2019, 06.03.2019, 03.04.2019, 12.04.2019, 26.04.2019, 24.06.2019, 22.08.2019, 30.08.2019 and 23.09.2019. The matter was deliberated comprehensively with the Registrar and other officials of Cooperative Societies.
2. A copy of the said Petition was forwarded to the Secretary-cum-Registrar of Cooperative Societies to whom the matter pertained vide letter dated 08.08.2018, with the request to furnish the concerned documents related to the allegations of Sh. Anil Kumar Gaur in the Arbitration cases of 11 ex-employees of Delhi Nagrik Sehkari Bank Ltd., latest by 16.08.2018.
3. The Committee proceedings were primarily aimed at finding answers to the following issues:
 - i. Whether the allegations of Sh. Anil Kumar Gaur against Sh. Jitender Kumar, Assistant Registrar, and Sh. Gurvinder Singh, Data Entry Operator, Arbitration Branch of Registrar Cooperative Societies are valid?
 - ii. What is the nature of the lapses/ misconduct? and,
 - iii. What actions have been initiated against them?

Issue 1: Ascertaining whether the allegations of Sh. Anil Kumar Gaur against Sh. Jitender Kumar, Assistant Registrar, and Sh. Gurvinder Singh, Data Entry Operator, Arbitration Branch of Registrar Cooperative Societies are valid.

1. Upon receiving the Petition, the Committee, forwarded the matter to the Registrar Cooperative Society to ascertain whether the allegation of Anil Kumar Gaur against Sh. Jitender Kumar, Assistant Registrar, and Sh. Gurvinder Singh, Data Entry Operator, Arbitration Branch of Registrar Cooperative Societies in the Arbitration cases of 11 ex-employees of Delhi Nagrik Sehkari Bank Ltd. were valid. The Committee further requested the concerned department to furnish the following documents:
 - i. The certified copies of all files and notings related to Arbitration orders passed by Sh. Jitender Kumar in the cases of 11 ex-employees of Delhi Nagrik Sehkari Bank while he was Assistant Registrar (Arbitration).
 - ii. The certified copies of the entire dispatch register related to the dispatch of orders by Sh. Jitender Kumar, Assistant Registrar consisting of all the dispatch entries for the months of May, June and July 2018.
 - iii. Records related to post/courier of the above-mentioned orders which are shown as dispatched on 29.05.2018.
2. On receiving the concerned documents from the Registrar Cooperative Society vide letter dated 21.08.2018, the Committee carefully examined the documents and directed the Registrar Cooperative Societies to attend the Committee meeting on 30.08.2018 and to bring all Original Files related to the action taken in respect of the hearing of 11 ex-employees of Delhi Nagrik Sehkari Bank Ltd.
3. Accordingly, in the Committee Meeting dated 30.08.2018, it was informed that Sh. Lekh Raj, Deputy Registrar (Vigilance) has been appointed as the Inquiry Officer vide Order dated 29.08.2018 to conduct Preliminary Inquiry into the allegations leveled by Sh. Anil Kumar Gaur against Sh. Jitender Kumar, Assistant Registrar (Arbitration) and Sh. Gurvinder Singh,

Data Entry Operator (Arbitration) in the hearing cases of 11 ex-employees of Delhi Nagrik Sehkari Bank Ltd.

Issue 2: What is/ are the nature of the lapses/ misconduct?

1. In this regard, the Registrar Cooperative Societies, Sh. Virender Kumar in his letter dated 05.10.2018 submitted the findings of the Preliminary Inquiry, the operative part of which is reproduced as under:
 - i. It is revealed that the entry in the dispatch register was made on 29.05.2018 by Sh. Sheo Shankar Mahto after getting orders which was signed by Shri Jitender Kumar but he could not dispatch the orders to the appellants due to a shortage of stamps.
 - ii. It is revealed that the order was signed by Sh. Jitender Kumar, Assistant Registrar on 29.05.2018 itself but the same could not be found in the file when the notices for fresh hearing on the same cases were issued on 12.07.2018 by Shri Gulshan Ahuja, Assistant Registrar, the successor of Sh. Jitender Kumar, Assistant Registrar.
 - iii. It is clear from the record that Sh. Jitender Kumar, Assistant Registrar did not mention “order passed” in noting sheet on the order of 29.05.2018.
 - iv. Moreover, Sh. Jitender Kumar was well acquainted with the seriousness of the issue but he never disclosed to his successor that order has been passed in the aforesaid cases. On the contrary, he advised Sh. Gulshan Ahuja to call for a hearing to pass a final order in the matter. This act of Sh. Jitender Kumar, Assistant Registrar displayed negligence and a serious lapse in the discharge of his official duties and knowingly concealed the facts from his successor.
 - v. Further, when some of the appellants approached Sh. Jitender Kumar on 21.06.2018, never disclosed to them that the orders have already been passed but could not be dispatched due to a shortage of stamps which could have been provided to them “Dasti”.
 - vi. It is further revealed that Sh. Gurvinder Singh, DEO intentionally and knowingly concealed the facts of cases from Sh. Gulshan Ahuja,

Assistant Registrar which caused the issuance of fresh notice on 12.07.2018 to the appellants and others for hearing.

- vii. It is revealed that Sh. Gurvinder Singh, DEO deliberately misplaced the orders from files and later re-dispatched them.
- viii. These acts of Sh. Gurvinder Singh, DEO displayed gross misconduct and negligence in the discharge of his duties and failed to maintain integrity.

Issue 3: What actions have been initiated against them?

Based on the findings of the Preliminary Inquiry, it was informed vide letter dated 05.10.2018 that *“in view of misconduct pointed out against Shri. Jitender Kumar, Assistant Registrar the file has been submitted to the concerned disciplinary authority i.e, Chief Secretary, Delhi to take an appropriate view for initiating disciplinary proceedings. Further, the services of Mr. Gurvinder Singh, DEO (on contract) have been surrendered to M/s ICSIL Ltd for his misconduct.”*

- 4. In the Committee meeting held on 15.02.2019, it was informed that on the basis of the preliminary findings of Sh. Lekh Raj, Deputy Registrar (Vigilance)/ Inquiry Officer, Sh. Jitender Kumar has been suspended vide order dated 16.10.2018 under rule 14 of CCS (CCA) Rules, 1965, by the competent authority.

During the same meeting, it was informed that a proposal for initiating disciplinary proceedings against Sh. Jitender Kumar was also under process.

- 5. In this regard, it was informed in the meeting held on 06.03.2019 that Sh. Jitender Kumar, Assistant Registrar, who is under suspension since 16.10.2018, has been issued a charge sheet vide Memorandum dated 01.03.2019 u/s 14 of CCS (CCA) Rules, 1965, on account of irregularities committed while conducting Arbitration proceedings in 11 cases of ex-employees of Delhi Nagrik Sehkari Bank Ltd., u/s 70 of DCS Act, 2003, by the Disciplinary Authority i.e. Chief Secretary via order no. 3327 dated 01.03.2019.

It was further informed in the same meeting that the Suspension of Sh. Jitender Kumar, Assistant Registrar, will be reviewed by the Suspension Review Committee which will be held on or before 12.04.2019.

6. Consequently, the Registrar Cooperative Societies, Sh. Virendra Kumar submitted the Action Taken Report during the Committee meeting held on 03.04.2019, wherein, it was informed that the Suspension Review Committee under the Chairmanship of Chief Secretary has extended the suspension of Sh. Jitender Kumar, Assistant Registrar for a period of 90 days w.e.f 12.04.2019.
7. Further, vide letter no. F.4 (9)/2018/RCS/Vig./243 dated 25.04.2019, the Committee was apprised of the matter that Sh. Jitender Kumar, Assistant Registrar (under suspension) has denied the charges leveled against him in the Arbitration cases of 11 ex-employees of Delhi Nagrik Sehkari Bank Ltd. Furthermore, it was informed in the same letter that a proposal for the appointment of the Inquiry Officer and Presenting Officer has been sent to the Disciplinary Authority for approval.
8. Subsequently, vide letter dated 21.06.2019, the Registrar Cooperative Societies, Sh. Virendra Kumar informed the Committee that the competent authority i.e. the Chief Secretary, GNCTD, has appointed Sh. A.S.Khullar, IAS (Retd.) as the Inquiry Officer and Sh. Tilak Raj, Section Officer as the Presenting Officer to inquire into the charges framed against Sh. Jitender Kumar, Ad-hoc DANICS/ ARCS under rule 14 of CCS (CCA) Rules, 1965, vide order no. 6825 dated 15.05.2019.
9. In this regard, the Committee was apprised vide letter no. AR(Bkg.)/CD No. 107566416/ Committee on Petitions/ RCS/ 2019/ 158 dated 19.08.2019, that the Suspension Review Committee under the Chairmanship of Chief Secretary has directed the further extension of the suspension of Sh. Jitender Kumar, Assistant Registrar for a period of 180 days w.e.f. 10.07.2019 and that disciplinary proceedings are underway before the Inquiring Authority.

It was further informed in the same letter that Disciplinary proceedings are underway before the Inquiring Authority.

10. The series of events has been arranged chronologically and furnished in tabular form as below:

Sl. No.	Date	Events
1	27.11.2012	On the Petition of Sh. Anil Kumar Gaur, the Hon'ble High Court of Delhi vide order no. WP (C) 7398/12, 27.11.2012 titled "Anil Kumar Gaur vs. Delhi Nagrik Sehkari Bank Ltd." directed the Registrar of Cooperative Societies, the RBI and Delhi Nagrik Sehkari Bank Ltd. to decide on the legal notice within 90 days on the matter of illegal appointment of 40 staff and promotion of 62 employees without following seniority list.
2	23.06.2015	The RCS initiated proceeding against Delhi Nagrik Sehkari Bank vide order dated 17.04.2017 by issuing show cause notice u/s 66(2) of DCS Act 2003 to Ex-Chairman, Ex-Vice Chairman, Ex-Director and CEO of DNSB for the illegal appointment of 40 staff of the Bank and promotion of 62 employees without following seniority list.
3	17.04.2017	The Registrar Cooperative Societies passed an order disposing of the show cause. The operative part of the order read as "the appointment process followed for the appointing of 40 staff in the bank whose case being considered in this matter are found to be in violation of the various provision of DCS Act 2003 and Rules 2007. Further, the continuation of the said 40 employees in the bank be looked by the Board/ Administrator of the bank and the banking division of the RCS office as per the Act, Rules, and Bye-Laws concerning and take decision accordingly regarding the continuation of these employees"
4	11.08.2017	The Hon'ble High Court directed the case of 11 ex-employees to RCS u/s 70 of the DCS Act, 2003.
5	06.12.2017	9 ex-employees of DNSB filled the fee for Arbitration case u/s 70 of DCS Act 2003
6	10.01.2018	2 ex-employees of DNSB filled the fee for Arbitration case u/s 70 of DCS Act 2003
7	06.02.2018	The first hearing of the 11 cases by Sh. Jitender Kumar
8	27.03.2018	The second hearing of the 11 cases by Sh. Jitender Kumar
9	17.04.2018	Third hearing of the 11 cases by Sh. Jitender Kumar
10	01.05.2018	The fourth hearing of the 11 cases by Sh. Jitender Kumar; after which order was reserved by Sh. Jitender, the then AR.

11	29.05.2018	Order on the cases of 11 ex-employees was reserved but was not passed
12	29.06.2018	Sh. Jitender Kumar was transferred from the Arbitration Branch and Sh. Gulshan Ahuja was appointed as the new Assistant Registrar.
13	12.07.2018	On the advice of his predecessor Sh. Jitender Kumar, Assistant Registrar, Sh. Gulshan Ahuja, Assistant Registrar issued fresh notices for the hearing of the cases.
14	20.07.2018	Sh. Gulshan Ahuja, Assistant Registrar heard the cases of the cases 11 employees as only single order on the matter was found in the file.
15	27.07.2018	Final orders dispatched to the appellants and respondents.
16	29.08.2018	Sh. Lekh Raj was appointed as the Inquiry Officer for Preliminary Inquiry into the matter.
17	16.10.2018	Sh. Jitender Kumar was suspended from the office of Assistant Registrar
18	01.03.2019	Charge Sheet against Sh. Jitender Kumar submitted to the Committee
19	21.06.2019	The Committee was informed that the Suspension Review Committee under the chairmanship of the Chief Secretary has directed the suspension of Sh. Jitender Kumar to further extend to 90 days w.e.f. 12.04.2019.
20	21.06.2019	The Committee was informed that Sh. A.S.Khullar, IAS (Retd.) and Tilak Raj, Section Officer has been appointed as Inquiry officer and Presenting Officer respectively vide Order dated 15.05.2019.
21	19.08.2018	The Committee was informed that the Suspension Review Committee under the chairmanship of the Chief Secretary has directed the suspension of Sh. Jitender Kumar to further extend to 180 days w.e.f. 10.07.2019.

OBSERVATIONS

Based on the analysis of the findings of the Preliminary Inquiry, written submissions of witnesses and the Committee meeting proceedings, the following observations are placed on record:

On the Petition of Sh. Anil Kumar Gaur, the Hon'ble High Court of Delhi vide order no. WP (C) 7398/12, 27.11.2012 titled "Anil Kumar Gaur vs. Delhi Nagrik Sehkari Bank Ltd." directed the Registrar of Cooperative Societies, the RBI and Delhi Nagrik Sehkari Bank Ltd. to decide on the legal notice within 90 days on the matter of illegal appointment of 40 staff and promotion of 62 employees without following seniority list.

Accordingly, the RCS initiated proceeding against Delhi Nagrik Sehkari Bank vide order dated 23.06.2015 by issuing show cause notice u/s 66(2) of DCS Act 2003 to Ex-Chairman, Ex-Vice Chairman, Ex-Director and CEO of DNSB for the illegal appointment of 40 staff of the Bank and promotion of 62 employees without following seniority list.

In this matter, an inspection under section 61 and then inquiry under section 62 of the DCS Act 2003 was conducted regarding irregularities in filling up 40 posts of Clerk-cum-Cashier, Field Inspector, Junior Clerk, Peon and Drivers and promotion of 62 employees of the Delhi Nagrik Sehkari Bank Ltd.

On the basis of the inquiry report under section 62 of the DCS Act wherein it was found that the entire process of making 40 appointments by way of direct recruitment and promotion was fraught with a number of procedural irregularities, inconsistencies and lacked in propriety and transparency, the Registrar of Cooperative Societies passed an order dated 17.04.2017 to dispose of the aforesaid show-cause notice. The operative part of the order is as under:

"The appointment process followed for the appointment of 40 staff in the bank whose case being considered in this matter are found to be in violation of the various provisions of DCS Act 2003 and Rules 2007. Further, the continuation of the said 40 employees in the bank is looked by the Board/ Administrator of the bank and the banking division of the RCS office as per the Act, Rules, and By-Laws concerned and take decisions accordingly regarding the continuation of these employees".

Inquiry revealed that out of 40 ex-employees, 11 ex-employees of Delhi Nagrik Sehkari Bank Ltd. filed before Hon'ble High Court under WP (C) 6949/2017 &

CMs 28890-91/2017, against the impugned order dated 28.06.2017 passed by the Bank whereby the services of all 40 such staff members were terminated by the Bank by way of “*discharge, which shall not be disqualification for future employment*” and whose cases were looked into by the Registrar of Cooperative Societies.

The Hon’ble High Court vide order dated 11.08.2017 dismissed the above petition and ordered which is reproduced as under:

“The present petition is dismissed as not maintainable along with the pending applications with liberty granted to the petitioners to seek legal recourse against the impugned order before the appropriate forum. However, we have not gone into the merits of the case as it may amount to pre-judging the issues raised in the present petition which have been left open for a decision on merits before the Arbitrator, in the event the petitioners raise a dispute before the respondent no.1/RCS as contemplated under section 70 of the DCS Act, 2003”

Allegation 1: Regarding the allegation of Sh. Anil Kumar Gaur that he was not made a party to the hearings of the Arbitration cases filed by 11 ex-employees of Delhi Nagrik Sehkari Bank Ltd. under section 70 of DCS Act 2003.

The Committee acknowledges and accepts the argument made by Sh. Jitender Kumar in his point wise reply to the allegations made by Sh. Anil Kumar dated 04.09.2018 that the Arbitration cases under section 70 of the DCS Act 2003 were filed by 11 claimants as per the directions of Hon’ble High Court order dated 11.08.2017 in WPC No. 6949/2017 & CM No. 28890-91/2017 wherein Sh. Anil Kaur Gaur was not part of 11 claimants of the Arbitration cases. Further, in the Arbitration cases filed in the office of Delhi Nagrik Sehkari Bank Ltd., on 08.12.2017, Sh. Anil Kumar Gaur was not mentioned as a party.

Allegation 2: Regarding the allegation that the application filed by Sh. Anil Kumar Gaur under order-1-Rule 10 of CPC along with his signature on the noting sheet was removed from the files.

The Committee observed that Sh. Anil Kumar Gaur was asked to furnish documentary evidence by the Inquiry Officer Sh. Lekh Raj, to support his claim as no such information was available on the records. However, he did not submit any documentary evidences to support his claim.

Allegation 3: Regarding the allegation that Sh. Jitender Kumar, Assistant Registrar reserved his order on 01.05.2018 in Arbitration cases filed by 11 ex-employees of Delhi Nagrik Sehkari Bank Ltd. but did not pass the final order till July 2018.

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Allegation 4: Regarding the allegation that if the order was reserved on 01.05.2018 then why it was not dispatched till July. Whether there was any deal between Jitender Kumar and the employees of the bank that he waited for 90 days?

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Allegation 5: Regarding the allegation that backdate entries were made in the dispatch register to show that the final order was passed and dispatched on 29.05.2018. Further, it was alleged that no record of acknowledgment of speed post/ communication of these orders was available and orders were dispatched to the appellants and respondents only in July 2018.

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Allegation 6: Regarding the allegation that Sh. Jitender Kumar was transferred from Arbitration Branch on 29.06.2018, however, his signatures were on the orders dispatched in the month of July 2018.

The Committee observed that Sh. Jitender Kumar while functioning in the capacity of Assistant Registrar (Arbitration) heard the Arbitration cases of 11 ex-employees of Delhi Nagrik Sehkari Bank Ltd under section 70 of DCS Act. 2003, on 06.02.2018, 27.03.2018, 17.04.2018 and 01.05.2018, after which, he reserved the orders. He passed the orders on 29.05.2018 but the same could not be dispatched on the same day as claimed by him and eventually dispatched only on 27.07.2018 with the signatures of Sh. Jitender Kumar, Assistant Registrar. The

Committee noticed that the entry in the dispatch register was made on 29.05.2018 by Sh. Sheo Shankar Mahto after getting orders signed by Sh. Jitender Kumar but did not post in time due to a shortage of stamps.

The Committee further observed that Sh. Jitender Kumar, Assistant Registrar did not mention “order passed” in the noting sheet on the order of 29.05.2018 nor did he ascertain whether all orders have been dispatched to the appellants on 29.05.2018 or not after he had passed the orders.

To substantiate this, the Committee noted the statement dated 11.09.2018 of Sh. Sheo Shankar Mehto, LDC/ the then Dispatch clerk, where he states that the dispatch numbers were assigned by him on the body of the aforesaid orders and corresponding entries were made in the dispatch register on 29.05.2018. However, the same could not be dispatched due to a shortage of postal stamps and the same was kept in the relevant files. Sh. Sheo Shankar Mehto was transferred from RCS Department to TTE, Pitampura on 13.06.2018, after which, he is unaware of further developments. He further stated that the dispatch numbers on the orders available in the files were not in his handwriting and these were changed by someone. He recognized the handwriting as that of Sh. Gurvinder Singh, DEO.

Based on the statement made by Sh. Sheo Shankar Mehto, the Committee is convinced that Sh. Jitender Kumar, Assistant Registrar with malafide intention not only did not ascertain whether all orders have been dispatched to the appellants on 29.05.2018 but also directed Sh. Gurvinder Singh, the then DEO to change the date of dispatch numbers on the orders to backdate.

Allegation 7: Regarding the allegation that Sh. Gulshan Ahuja, Assistant Registrar (successor of Sh. Jitender Kumar) issued a fresh notice for hearing on the same cases on 12.07.2018, even though the same has been passed by the former Assistant Registrar Sh. Jitender Kumar on 29.05.2018.

The Committee observed that when the charge of the Arbitration Branch was handed over to Sh. Gulshan Ahuja AR, Sh. Jitender Kumar concealed the fact that the final order was already passed on 29.05.2018 and on the contrary advised Sh. Gulshan Ahuja, Assistant Registrar (his successor) to issue fresh hearing

notice on 12.07.2018. The findings of the preliminary Inquiry is reproduced as under:

“On 07.09.2018, Sh. Gulshan Ahuja, Assistant Registrar present before the undersigned (Inquiry Officer) submitted that Sh. Jitender Kumar and Sh. Gurvinder Singh, DEO never disclosed to him about the passing of final orders in the Arbitration cases of 11 ex-employees of Delhi Nagrik Sehkari Bank Ltd. Sh. Jitender Kumar advised him to call a hearing for passing a final order in the matter. Sh. Gulshan Ahuja, Assistant Registrar stated that a single order was found in one file on 20.07.2018, seeks clarification from Sh. Gurvinder Singh DEO he informed that orders have already been issued in the above cases and dispatched on 29.05.2018. But Sh. Gurvinder Singh, DEO did not disclose the above information to him that the final order already being passed in these cases at the time of hearing on 19.07.2018 which shows that Sh. Gurvinder Singh, DEO intentionally and knowingly concealed the facts of cases. Later, he posted these orders to the appellants and respondents on 27.07.2018.”

It is also observed that the order was signed by Sh. Jitender Kumar on 29.05.2018 itself but was not found in the file when the notices for fresh hearing of the cases were issued on 12.07.2018 by Sh. Gulshan Ahuja.

In addition to the above findings, the Committee noted that Sh. Jitender Kumar, Assistant Registrar did not disclose to the appellants that the orders have been passed when some of the appellants approached him on 21.06.2018 and only assured them that they will receive the order by June end. He could have handed (dasti) the orders to the appellants but he tried to conceal the factum of issuance of orders.

Allegation 8: Regarding the allegation that Sh. Jitender Kumar hurriedly passed only half page of the order whereas the Hon’ble Registrar Cooperative Societies had passed 22 pages of order and Hon’ble High Court passed 7 pages of order.

The Committee observed that no concrete findings were revealed during the Preliminary Inquiry to substantiate the above allegations.

Allegation 9: Sh. Gurvinder Singh, Data Entry Operator (DEO) conducted hearings on the cases in the absence of Sh. Jitender Kumar, Assistant Registrar which was beyond his official capacity as DEO.

The Committee observed that no concrete findings were revealed during the Preliminary Inquiry to substantiate the above allegations.

However, the Committee noted that Sh. Gurvinder Singh, DEO, was in full knowledge of the fact that the orders on the cases of 11 ex-employees were passed on 29.05.2018, however, he concealed this fact from Sh. Gulshan Ahuja, Assistant Register, when the latter was issuing fresh notices on 12.07.2018. Further, it was noticed that Sh. Gurvinder Singh, DEO deliberately misplaced the orders from files and later re-dispatched them.

Furthermore, it was noted that Sh. Gurvinder Singh, DEO failed to inform the appellants on the day of the hearing on 19.07.2018 that the order was already passed on 29.05.2018 by the then Assistant Registrar, Sh. Jitender Kumar, but could not be dispatched due to a shortage of stamps.

Therefore, the Committee observed that in view of the above acts of omission and commission, committed by Sh. Jitender Kumar, Assistant Registrar (under suspension) exhibited negligence and dereliction in the discharge of his official duties and thereby failed to maintain absolute integrity which is unbecoming of a Government Servant and is found to be in violation of several provisions of Rule 3 of the CCS (Conduct) Rules, 1964.

Further, the Committee found the actions of Sh. Gurvinder Singh, DEO to have committed gross misconduct and negligence in the discharge of his duties and failed to maintain integrity.

RECOMMENDATIONS

1. The Committee, while lauding the prompt actions taken by the Registrar Cooperative Societies as well as that of the Directorate of Vigilance, Govt. of National Capital Territory, Delhi, in conducting preliminary inquiry as well as in initiating necessary measures pertaining to the matter related to Arbitration cases of 11 ex-employees of Delhi Nagrik Sehkari Bank LTD., suggest that the competent authority must ensure timely disposal of disciplinary actions initiated against Sh. Jitender Kumar, Adhoc DANICS (under suspension).
2. In respect of Sh. Gurvinder Singh, DEO, whose services was terminated and was surrendered to M/s ICSIL Ltd. for his misconduct, may not be engaged in any public organisation by M/s ICSIL in future also. Further, M/s ICSIL maybe appraised about the gross misconduct of Sh. Gurvinder Singh with direction that Sh. Gurvinder Singh, DEO, shall not be deployed henceforth to any Government office/ public organisation or any other sensitive offices of the Government.

Dated: 30.11.2019
Place: Delhi



(SAURABH BHARDWAJ)
CHAIRMAN
COMMITTEE ON PETITIONS