Summation of Defence Representative in the enquiry consequential to the Charge-sheet No.MGR/4597/22(2)-84/85 dated 2nd April 1985, held against Shri Virendra Kumar Singh, Clerk/Coin-Note Examiner Grade II

This domestic enquiry was instituted to examine the charge of ".....having committed a breach of office discipline, acts of misconduct and acting in a manner detrimental to the interests of the Bank, within the meaning of Regulation 47 of the R.B.I. (Staff) Regulations, 1948.... ....." levelled against Shri Virendra Kumar Singh vide the above-mentioned Charge-sheet. The basis of the charges was alleged assault on Shri M.M. Lall, Staff Officer Gr.'A'.

In course of the various sessions of the enquiry proceedings, five documents (marked exhibits 1 to 5) were produced as evidence on behalf of the management. Four management witnesses and seven defence witnesses were examined and cross-examined. For the sake of examining the charges levelled against Shri V.K. Singh, it would be worthwhile to recapitulate in brief the main points of the deposition of the witnesses.

MANAGEMENT WITNESSES (MW)

1. M.W.No.1 (Shri Rajani Kant Sinha, Staff Officer Grade 'A')

Shri Sinha, who was attached to the Manager's Section on the date of the alleged incident, i.e., 8th February 1985, was away from the section in the Officers' Lounge from 10.30 to 11 A.M. when the alleged incident occurred. On return to the section, he enquired about slogan shouting and injury to Shri M.M. Lall. He saw Shri Lall with 'some injury' in the Manager's chamber. He did not ask Shri Lall about the injury subsequently on the same day.

C o m m e n t s: It is observed from the deposition of Shri Sinha that he did not receive any information regarding any assault on Shri M.M. Lall and no serious or untoward incident had occurred that day which would have prompted Shri Sinha to make enquiries about the well-being from Shri Lall who sat adjacent to him in the same section and whom he used to see everyday.

.....2.

(2) M.W. No.2 (Shri S.K. Chakravarty, Asstt. Security Officer):-

The deposition of Shri Chakravarty is full of glaring contradictions. In the process of giving a vivid description of the alleged incident, he has presented facts that amply prove that he was not an eye witness and the whole story of assault was cooked and fed to him which he miserably failed to reproduce.

Few specimens of his deposition are being furnished below:-

(1) As per his written report dated 9th February 1985, on 8th February 1985 he was in his cabin near the main entrance of the Bank uptill 10.40 A.M. But in the deposition in the case of Shri Shoojee Singh, he has stated, as well as confirmed in the cross-examination, that he followed the slogan shouting group at about 10.15 A.M. In the same cross-examination, he has further admitted that he was seated in his cabin uptill 10.50 A.M. Again on page 2 of the enquiry proceeding dated 11th February 1986, in the cross-examination, he has admitted that he was in his cabin upto 10.30 A.M. when the main gate of the Bank was opened in his presence.

It is pertinent to note that Shri O.P. Brahmachary, M.W. No.3, whose deposition will be dealt shortly, has stated in the enquiry session dated 28th April 1986 on page 2 of the proceeding in the case of Shri V.K. Singh that Shri Chakravarty came to the Manager's section "immediately after 10.15 A.M."

(2) Shri Chakravarty has stated that when he saw the group passing through the exchange hall, he enquired about their identity upon which he was told that the group comprised employees of the Bank, i.e. he was not aware of the identity of the members of the group, including the C.S.E.(S).

Later on page 9 of the proceeding of his cross-examination and also as per his written report dated 9th February 1985, he has stated that the group consisted of Cash

.....3.

Department employees only, but on his own admission, Shri Sheojee Singh whom he knew for many years was also there and he belonged to the general side.

(3) During the cross-examination, Shri Chakravarty has stated that on hearing the shouts of the group "Lal ko maro, Lal ko maro", he immediately got up from his cabin and straight-away went to the Manager's section to see what was happening there and there he saw a group of people shouting slogans - page 4 dated 7th February 1986 of the proceeding. At other places, he has said that he followed the group.

(4) On page 10 of the proceeding, Shri Chakravarty has stated in his cross-examination that at the time of the incident, he was standing "near the Manager's Section", i.e., he was not an eye-witness to the incident of the alleged assault.

(5) In his written report (exhibit-4), Shri Chakravarty has stated that about 10-15 employees went inside the Manager's Section but in his cross-examination, he has stated that only 7-8 out of the 10-15 people went inside.

(6) Shri M.M. Lall in his written report (exhibit-5) has mentioned that Shri Chakravarty removed the assaulters one by one whereas Shri Chakravarty has stated in his deposition, when specifically asked about it, that he dispersed them collectively.

(7) The Bank's Medical Officer's report (exhibit-3) does not mention about any bleeding injury or injury on the lips which Shri Chakravarty has mentioned.

Apart from these contradictory statements, the following noteworthy admissions have been made by Shri Chakravarty:-

(1) That out of the group of 10-15 persons which went to Manager's Section shouting "Lal Ko Maro", he could recognise only the two charge-sheeted employees (CSEs), viz. Shri V.K. Singh and Shri Sheoji Singh.

.....4.

(ii) That the group proceeded to Manager's section shouting "Lal Ko Maro" and continued the same even in the Manager's Section.

(iii) That when the two C.S.E(s) started assaulting Shri M.M. Lall, Shri Chakravarty, followed by other employees of the Manager's Section, rushed to save Shri Lall but he could not tell the name of any such employee.

(iv) That at the time of assault "because a crowd" was present near Shri Lall, he "could not see properly" (cross-examination dated 8th February 1986 on page-1).

(v) When he saw Shri Lall seated in the Manager's Chamber, other officers were also there but he could not tell the name of any one.

(vi) That moments after Shri Lall rushed to Manager's chamber (at about 11 A.M.), B.M.O. was called who examined Shri Lall and wrote a report and then the police arrived on the scene.

(vii) That the words "Superficial injury" which Shri Chakravarty used in his report dated 9th February 1985 (exhibit-4) and which allegedly Shri Lall suffered on account of the assault, meant "bleeding injury".

(viii) That he submitted his written report to Shri O.P. Brahmachary, then Staff Officer (Discipline), Manager's Section.

C o m m e n t s : Shri S.K. Chakravarty, Assistant Security Officer is strangely the only eye-witness and none of the employees of Manager's Section, where the alleged incident occurred, has been presented as an eye-witness. The contradictory statements and admissions of even this single eye-witness falsify the story of assault and the incidental charges levelled against Shri V.K. Singh. It is pertinent to note that Shri Chakravarty with approximately twenty years of service in the Patna Office and on his own admission because of his nature of duty knows most of the employees of

the office, could not name a single person who came to the rescue of Shri Lall or who were assembled in the Manager's Chamber but could identify the two C.S.E(s) out of a group of 10-15 employees "without seeing properly because of the crowd".

The statement of Shri Chakravarty regarding shouts of "Lal Ko Maro" has not been corroborated by any other witness. It has been denied even by Shri M.M. Lall in his written report (Exhibit-5). Shri Chakravarty has further stated that the group continued its shout of "Lal Ko Maro" in the Manager's section also and then went to the table of Shri Lall to assault him (Page-9 of the proceeding dated 7th February 1986). It is unbelievable that Shri Lall should have heard the shouts of the crowd outside as well as inside the Manager's Section and kept sitting at his desk quietly to be assaulted by the two C.S.E(s).

Shri Chakravarty during his cross-examination has admitted that after hearing the slogan "Lal Ko Maro", he clearly apprehended the impending trouble that Shri Lal might be beaten. It looks very strange that despite apprehending the trouble, he did not try to stop the rushing group of employees nor did he provide any security to Shri Lall.

The B.M.O's report (Exhibit-3) shows the time of examination of Shri Lall in the Manager's chamber at 1 P.M. whereas Shri Chakravarty places it at about 11 A.M.

A close perusal of the B.M.O's report, report of Shri M.M. Lall (Exhibit-5) and report of Shri Chakravarty (Exhibit-4) reveals that the words "Superficial injury" have been copied in the two reports from the B.M.O's report without understanding its import specifically in the case of Shri Chakravarty. The similarity in language between thetwo reports of Shri Lall and Shri Chakravarty prove beyond doubt that he was made to sign a prepared report incorporating a fabricated story. A very important point to be noted here is that during the deposition Shri Chakravarty exhibited linguistic capabalities in sharp contrast to the language of his written report. This coupled

with his denial to reproduce his written report in brief during the enquiry proceeding conclusively proves that Shri Chakravarty was made to sign a prepared report. This report was surreptitiously included in the documents at some later date as it was not handed over to the Staff Officer (Discipline) according to the latter's admission in the cross-examination as M.W-3 which is again contrary to the statement of Shri Chakravarty that he submitted the report to Shri Brahmachary (M.W-3).

3. M.W.No.3 (Shri O.P. Brahmachary, Planning Officer) :-

On 8th February 1985, he was attached to Manager's Section as Staff Officer (Discipline). At the time of the alleged incident, Shri Brahmachary was making telephone calls to departmental incharges, he heard some commotion and people shouting "Nikalo, Nikalo" outside the Manager's Section enclosure. He neither saw Shri V.K. Singh that day nor made any enquiries about "some abrasions on the forehead" of Shri Lall..

In the cross-examination, Shri Brahmachary made the following admissions :-

(i) The Assistant Security Officer (Shri Chakravarty, M.W. No.2) came to the Manager's Section "immediately after 10-15 A.M. or so" (Page 2 dated 28th April 1986).

(ii) The commotion took place after 10.15 A.M. but around 10.30 A.M.

(iii) Shouting was done outside the Manager's section and that too "Nikalo Nikalo" (and not inside the Manager's Section as stated by Shri Chakravarty). Further, Shri Brahmachary did not hear any slogan as "Lal Ko Maro".

(iv) When Shri Brahmachary helped Shri Lall going into the Manager's Chamber "apparently (he) did not observe any abrasion on the person.....except for the dazed appearance".

(v) Only 4-5 people came into the Manager's section out of which Shri Brahmachary recognised two as Shri Chakravarty and

Shri K.K. Dwivedi. He categorically stated that among the rest of the CSE(s) was not there.

(vi) When Shri Brahmachary talked to Shri Lall in the Manager's chamber after the alleged incident, the latter did not mention the name of any person who assaulted him. Later on, in the evening, Shri Brahmachary was told about the assault which indicates that the story of the assault was fabricated and then leaked.

(vii) Shri Chakravarty did not submit any report about the incident to him.

(viii) He has given a clean chit about the antecedent of the CSE.

Comments: Shri O.P. Brahmachary is a material witness of the Management in this enquiry as he was present in the Manager's Section at the time of occurrence of the alleged incident as well as he was incharge of the Discipline Section by virtue of which, his attention to the incident would have been drawn first. He has categorically denied the presence of Shri V.K. Singh at the time and place of the alleged incident as well as the story of the assault.

4. M.W. No.4 (Shri M.M. Lall):-

Shri M.M. Lall is the complainant in this case on whose complaint, the charges have been framed and this enquiry has been instituted. It is important to note the following points from his statements as well as written reports included as exhibits:-

(i) No motive has been imputed behind the assault.

(ii) Only Shri S.K. Chakravarty came to his rescue at the time of assault and none of his colleagues in the Manager's Section where he had been working for more than 1½ years.

(iii) He saw all the members of the group that had come to Manager's Section but could identify only the two CSE(s).

In course of cross-examination, he revealed following points:-

.....8.

(i) CSE was not involved in the alleged threatening episode of 7th February 1985.

(ii) Slogan shouted by employees was "Bahar Niklo" and not like "Lal Ko Maro" as reported by Shri Chakravarty.

(iii) Shri Chakravarty escorted him into the Manager's chamber. It is pertinent to note here that Shri Chakravarty has stated that he instructed/advised Shri Lall to go inside the Manager's chamber and escorted the two CSE(s) out of the scene. Even Shri Lall has mentioned in his written report that Shri Chakravarty instructed him to go inside the Manager's Chamber. So, there is a clear-cut contradiction between his written and oral statements.

(iv) Shri Lall saw the employees (7-8) entering inside the Manager's Section one by one but could not mention the name of any employee.

(v) Shri Lall categorically stated that he did not hear any slogan like "Lal Ko Maro" as stated by Shri Chakravarty (Page 6, dated 20th May 1986). <u>This further disapproves the character of Shri S.K. Chakravarty as an eye-witness</u>.

(vi) Shri Lall stated that the assaulters came approaching towards him with the intention to beat him. Despite this, he remained seated quietly. This seems quite unreasonable.

(vii) Shri Lall stated that only two persons came near his seat but Shri Chakravarty noticed crowd around Shri Lall (a further proof of the story having been concocted).

(viii) As per Shri Lall's version, he received 5-6 blows by two persons on only the left side of his face sitting quietly. He did not move his neck while he was receiving the severe and several blows. This sort of story of assault does not sound believable.

(ix) Leave record of Shri V.K. Singh was not bad.

(x) <u>Shri Lall identified the CSE(s) on the basis of their names shouted by the employees of Manager's Section and confirmation of the names from Shri S.K. Chakravarty</u>.

.....9.

C o m m e n t s:

Even if the story of assault is taken to be true, the extent of injury as per BMO's report is not proportionate to the blows alleged to be inflicted. This speaks about the truth of the story, i.e., it is a fabricated one. The sources of identification of the CSE are not reliable as stated earlier. It is not understandable why Shri Lall did not care to get the identity of Shri V.K. Singh confirmed by employees of the Manager's Section rather than the Assistant Security Officer.

D E F E N C E W I T N E S S E S

Seven defence witnesses were examined and cross-examined. Defence witnesses 1 to 3 stated that at about 10.20 A.M. they learnt about the suspension of two employees other than the CSE(s) upon which they alongwith Shri Arun Kumar Ojha and Shri Bharat Singh collectively went to the Manager's Section to know the details. On seeing them enter the Manager's Section enclosure, Shri M.M. Lall got up from his seat suddenly and tried to flee. In the process he stumbled but got up again and rushed into the Manager's chamber. As Shri Lall fled to the Manager's Chamber, Shri Rajanikant Sinha was not present in the section. Shri O.P. Brahmachary was engaged in making telephone calls and Shri B.B. Pathak was not present and hence there was no Staff Officer from whom details could be known. The group returned to mobilise other employees to stage a demonstration in ~~xx~~ protest against the suspension. While moving from one note examination section to another in the course of mobilisation, D.W. No.1 found Shri V.K. Singh seated in Section D which was at about 10.45 A.M. D.W. No.2 saw Shri S.K. Chakravarty seated in his cabin at about 10.50 A.M. when he was moving towards the Coin Section. D.W.4 has also stated that he alongwith Shri V.K. Singh had taken their seals on 8th February 1985 (photo copy of the seal register of the date presented before the enquiry Officer) and remained in Section D from 10.30 A.M. to 11 A.M. where they were sent for note-examination. A mass demonstration was held before

Manager's chamber and the suspension orders were subsequently withdrawn. They have also stated that police was summoned during the demonstration. As per their statement, management summoned police earlier also whenever demonstration was held before the Manager's chamber.

The most important witness is Shri K.P. Singh (DW-5), Assistant Treasurer of the Bank who was the Sectional-in-charge of Section D on 8th February 1985. It has been categorically stated by him that Shri V.K. Singh remained in his section from 10.30 A.M. to 11 A.M. He has very emphatically deposed during his cross-examination that no examiner left his section that day before 11 A.M. Shri K.P. Singh has stated in his cross-examination that sometimes without receiving the seals/ notes, an examiner goes out of the section but that day Shri V.K. Singh had received his seal on table No.4 of the Section. So, there is no question of his leaving the section without his knowledge.

So, by his depositions, the Sectional-in-charge of Shri V.K. Singh (DW-5) has cleared the mist around the whole story.

DW-7 who was attached to Manager's Section on 8th February 1985 saw Shri Lall stumbling while fleeing to the Manager's chamber. DW-6 has also testified that though he did not see Shri Lall stumbling but there was discussion among the employees about Shri Lall's stumble.

C O N C L U S I O N S:

The depositions of the Management witnesses mentioned above reveal the following facts:-

(a) There was no incident of assault on Shri M.M. Lall on 8th February 1985 and the whole story is cooked up.

(b) There had been some commotion in the Manager's Section at about 10.30 A.M. on 8th February 1985.

(c) Shri V.K. Singh did not go the Manager's Section at least between 10.30 A.M. to 11.15 A.M.

(d) Shri M.M. Lall had received some injuries which were so minor in nature that neither his colleague (MW-3) noticed them as he was fleeing to the Manager's chamber nor did they (MW-1 and MW-3) enquire about the details. The nature of injury is also described as minor and superficial in the BMO's report.

(e) The entire deposition of MW-2 who is said to be the eye-witness to the alleged incident is unreliable in view of the facts mentioned above. His report dated 9th February 1985 is also false.

(f) The situation in the Bank was 'grim and tense' on 8th February 1985 as the employees were restive because of suspension of two employees for some incident on 7th February 1985 (This is revealed by the F.I.R. also Exhibit 2 - lodged by the Bank). Shri M.M. Lall was apprehensive of the repercussions of the suspension orders which was served on the basis of his report (a fact admitted by Shri Lall himself during his cross-examination). It was due to this apprehension that he fled to the Manager's chamber on seeing the group of employees comprising the defence witnesses.

(g) There was a mass demonstration on 8th February 1985 and the suspensions were withdrawn.

(h) CSE has a very clean antecedent.

(i) The B.M.O. did not consider it necessary to prescribe any medicine to Shri Lall for the alleged injury. This clearly speaks about the whole story.

The depositions of the defence witnesses establish the following facts:-

(a) There was no case of assault on Shri M.M. Lall on 8th February 1985 in the Manager's Section.

(b) Shri Lall while fleeing to the Manager's chamber stumbled. He may have received injuries which were so minor in nature that they could not be noticed.

(c) Shri V.K. Singh was in the note-examination section to which he was posted till 11 A.M. after which all the employees left en-masse for the demonstration before the Manager's chamber.

In view of these facts, it is conclusively proved that the charges levelled against Shri V.K. Singh are false and baseless.

(A.K. Ojha)
Defence Representative

Dated: 22nd April 1987.

na:

श्री बीरेन्द्र कुमार सिंह, संयुक्त संवर्ग श्रेणी-।। के विरूद्ध आरोप-पत्र संख्या एमजीआर.4597/2282-84-85 दिनांक 2 अप्रैल 1985 के द्वारा लगाये गये आरो. के संबंध में दिनांक 17 दिसम्बर 1986 को जाँच कार्यवाही.

समय - 11.00 बजे पूर्वाह्न
स्थान- जाँच अधिकारी का कक्ष

श्री आलोक प्रसाद	- जाँच अधिकारी	= जाँ.अ.
" ए.के.बोस	- प्रस्तुतकर्ता अधिकारी	= प्र.अ.
" अरूण कुमार ओझा	- बचाव प्रतिनिधि	= ब.प्र.
" के.पी. सिंह	- बचा गवाह सं.5	= ब.ग.6
" बीरेन्द्र कुमार सिंह	- आरोपित कर्मचारी	= आ.क.

...

जाँ.अ. - जाँच की कार्रवाई शुरू की जाती है. प्रस्तुतकर्ता अधिकारी से अनुरोध है कि वे बचाव गवाह सं.5 श्री के.पी. सिंह का प्रतिपरीक्षण आरम्भ करें.

प्र.अ. - आप अपना परिचय दें.

ब.ग.5 - कामेश्वर प्रसाद सिंह, सहायक कोषपाल, नकदी विभाग, भारतीय रिजर्व बैंक, पटना.

प्र.अ. - जैसा कि आपने दिनांक 9.12.86 को हुई जाँच कार्रवाई में बताया, दिनांक 3.2.85 को आप केस एक्जामिनेशन सेक्शन"डी" में कार्यरत थे. क्या यह सही है ?

ब.ग.5 - सही है.

प्र.अ. - आपने यह भी बताया की उस दिन एक्जामिनेशन सेक्शन"बी" से कुछ मुद्रा सिक्का परीक्षक को सेक्शन"डी" में काम करने के लिए भेजा गया. यह सही है ?

ब.ग.5 - सही है.

प्र.अ. - उस दिन कितने परीक्षक को सेक्शन"बी" से "डी" में भेजा गया ?

ब.ग.5 - 3 या 4 परीक्षक साथ हो आये थे.

प्र.अ. - उनमें श्री बीरेन्द्र कुमार सिंह भी थे ?

ब.ग.5 - बीरेन्द्र कुमार सिंह, जयानन्द तिवारी एवं कोई चौधरी थे. जहाँ तक हमको याद है.

प्र.अ. - दिनांक 3.2.1985 को केस सेक्शन"डी" में कब तक काम हुआ ?

ब.ग.5 - उस दिन नोट गिनने का काम आरम्भ हुआ ही नहीं.

प्र.अ. - उस हालत में जितने परीक्षक थे वे कितने समय तक आपके सेक्शन में रहे ?

ब.ग.5 - लगभग 11.00 बजे तक.

प्र.अ. - क्या आप इस बात की पुष्टि करते है कि लगभग 11.00 बजे सेक्शन छोड़ने के पहले कोई भी परीक्षक आपके सेक्शन से बाहर नहीं निकले ?

ब.ग.5 - नोट लेने के पहले सील लेने की प्रक्रिया है. सब लोग सील ले रहे थे. लेकिन सब लोग सील नहीं ले पाये थे तथा कोई भी परीक्षक सेक्शन से बाहर नहीं गये थे।

प्र.अ. - सब लोग सील क्यों नहीं ले पाये ?

ब.ग.5 - काम नहीं हुआ इसलिए लोग सील नहीं लिए, इसलिए कोई बाहर नहीं निकले.

प्र.अ. - सेक्शन में आने के बाद अगर कोई कर्मचारी नहीं जाना या बाहर निकलना चाहे तो उसके लिए उनको क्या करना पड़ता है ?

ब.ग.5 - बैंक में बी.एम.ओ. के यहाँ जाने के लिए ही लोग बाहर जाते है. आउट गोइंग रजिस्टर पर लिखकर ही लोग बाहर जाते है.

प्र.अ. - दिनांक 3.2.35 को 10.30 या 11.00 बजे के बीच किसी मुद्रा सिक्का परीक्षक को आपने बाहर जाने की इजाजत दी थी ?

ब.ग.5 - हमने कोई इजाजत नहीं दिया था.

प्र.अ. - धन्यवाद सिंह जी.

जाँ.अ. - एक दो सवाल हम भी पूछना चाहेंगे.
सिंह जी आप यह बताये को बिना आपके इजाजत के, काम बटने के पहले कोई सेक्शन से बाहर जा सकता है ?

ब.ग.5 - काम बटने के पहले बहुत थोड़े समय के लिए मौखिक आदेश लेकर जा सकता है. नोट बटने और सील प्राप्त करने के बाद नहीं.

जाँ.अ. - क्या ऐसा हो सकता है कि काम नहीं बटा और कोई कर्मचारी सेक्शन से बाहर निकल जाय ?

ब.ग.5 - सामान्यतः नहीं होता है.

जाँ.अ. - आप 3.2.35 के बारेमे क्या एकदम निश्चित रूप से यह कह सकते है कि 3.2.35 को 10.30 के बाद कोई कर्मचारी सेक्शन से बाहर बिना आपके इजाजत नहीं गया.

ब.ग.5 - एकदम निश्चित रूप से नहीं कहा जा सकता है. कभी कभी ऐसा होता है कि दूसरे सेक्शन से एलोटमेंट होता है और जब तक लोग सील या नोट डिसिप्ल नहीं करते है तो हमें पता नहीं होता कि कौन लोग मेरे सेक्शन के लिए है. इसलिए बाहर कहे जाते है परन्तु मेरे सेक्शन से कोई कर्मचारी बाहर नहीं गये थे .

जाँ.अ. - धन्यवाद सिंह जी.

जाँ.अ. - आज की जाँच कार्रवाई समाप्त की जाती है. जाँच की अगली तिथि 19.12.86 को निश्चित की जाती है.

(बालेश्वर प्रसाद)
जाँच अधिकारी

(ए.के.बोस)

(अरुण कुमार ओझा)

(के.पी. सिंह)
बचाव गवाह सं.5

(वीरेन्द्र कुमार सिंह)
आरोपित कर्मचारी

श्री वीरेन्द्र कुमार सिंह, संयुक्त संवर्ग श्रेणी II के विरुद्ध आरोप पत्र संख्या एमजीआर.4597/22(2)-34/35 दिनांक 2 अप्रैल 1935 के द्वारा लगाये गये आरोप के संबंध में दिनांक 9 दिसम्बर 1936 को हुई जाँच की कार्यवाही.

समय - 11.00 बजे पूर्वाह्न
स्थान - जाँच अधिकारी कक्ष.

श्री आलोक प्रसाद	- जाँच अधिकारी	- जा.अ.
" ए.के.बोस	- प्रस्तुतकर्ता अधिकारी	- प्र.अ.
" अरुण कुमार ओझा	- बचाव प्रतिनिधि	- ब.प्र.
" के.पी.सिंह	- बचाव गवाह सं.5	- ब.ग.5
" वीरेन्द्र कुमार सिंह	- आरोपित कर्मचारी	- आ.क.

जा.अ. - जाँच की कार्रवाई शुरू की जाती है. बचाव प्रतिनिधि श्री ओझा जी से अनुरोध है कि वे अपने गवाह श्री के.पी.सिंह का परीक्षण आरंभ करें.

ब.प्र. - सर्वप्रथम आप अपना परिचय दें.

ब.ग. - के.पी.सिंह, सहायक कोषपाल, भारतीय रिजर्व बैंक, पटना.

ब.प्र. - क्या आप दिनांक 3 फरवरी 1935 को बैंक में उपस्थित थे ?

ब.ग.5 - हाँ, उपस्थित था.

ब.प्र. - आप उस दिन कहाँ कार्यरत थे ?

ब.ग.5 - कैश एक्जामिनेशन सेक्शन "डी" में कार्यरत थे.

ब.प्र. - उस दिन श्री वीरेन्द्र कुमार सिंह नकदी अनुभाग "बी" से आपके अनुभाग में कार्य करने के लिए भेजे गये थे. क्या आप बता सकते हैं कि वे कितने बजे आपके सेक्शन में गये थे ?

ब.ग.5 - दूसरे सेक्शन से 10.30 के बाद ही भेजे जाते हैं. वे भी लगभग 10.30 में ही आये थे.

ब.प्र. - उस दिन सेक्शन में काम नहीं हुआ. सभी कर्मचारी उस दिन हुए दो तृतीय श्रेणी के कर्मचारियों के निलंबन के विरोध में प्रबंधन वर्ग के साथ प्रदर्शन में गये. क्या आप बता सकते हैं कि आपके अनुभाग से कर्मचारी लोग कबबजे गये ?

ब.ग.5 - लगभग 11.00 बजे लोग सेक्शन से बाहर गये थे.

ब.प्र. - अच्छा, तो श्री वीरेन्द्र कुमार सिंह लगभग 10.30 से लगभग 11.00 बजे तक सेक्शन "डी" में रहे?

ब.ग.5 - हाँ, जरूर रहे. सबके सब लोग एक ही बार सेक्शन से बाहर निकले.

ब.प्र. - धन्यवाद सिंह जी.

जा.अ.,

प्र.अ.से - बोस बाबू, क्या आज आप प्रतिपरीक्षण करना चाहेंगे ?

प्र.अ. - अगले दिन करेंगे.

जा.अ. - जाँच की कार्रवाई समाप्त की जाती है.जाँच की अगली तिथि 11 दिसम्बर 1936 को निश्चित की जाती है.

जाँच अधिकारी | प्रस्तुतकर्ता अधिकारी | बचाव प्रतिनिधि

बचाव गवाह सं.5 | आरोपित कर्मचारी

श्री बीरेन्द्र कुमार सिंह, संयुक्त संवर्ग श्रेणी-II के विरुद्ध आरोप-पत्र संख्या एमजोआर. 4597/22121-84-85 दिनांक 2 अप्रैल 1985 के द्वारा लगाये गये आरोप के संबंध में दिनांक 4.12.1986 को हुई जाँच कार्यवाही.

समय = 11.00 बजे पूर्वाह्न

स्थान= जाँच अधिकारी का कक्ष

श्री आलोक प्रसाद	-	जाँच अधिकारी	- जाँ.अ.
" ए.के.बोस	-	प्रस्तुतकर्ता अधिकारी	- प्र.अ.
" अरुण कुमार ओझा	-	बचाव प्रतिनिधि	- ब.प्र.
" जयानन्द तिवारी	-	बचाव गवाह सं.4	- ब.ग.सं.4
" बीरेन्द्र कुमार सिंह	-	आरोपित कर्मचारी	- आ.क.

जाँ.अ. - जाँच की कार्रवाई शुरू की जाती है. प्रस्तुतकर्ता अधिकारी से अनुरोध है कि वे बचाव गवाह सं.4 श्री जयानंद तिवारी जी का प्रतिपरीक्षण आरम्भ करें.

प्र.अ. - आप अपना परिचय दें.

ब.ग.4 - जयानंद तिवारी, संयुक्त संवर्ग श्रेणी-II सेक्शन"ई" में/अभी काम कर रहा हूँ.

प्र.अ. - तिवारी जी दिनांक 3.2.1985 को आप बैंक आये थे ?

ब.ग.4 - जी हाँ.

प्र.अ. - उस दिन आप कहाँ काम किए ?

ब.ग.4 - उस दिन काम हुआ ही नहीं. ऐसे मेरा नाम सेक्शन"बी" में था. परन्तु काम करने के लिए सेक्शन"डी" में भेजा गया था.

प्र.अ. - समान्यत: नगदी विभाग के अनुभागों में कितने एक्जामिनर रहते हैं ?

ब.ग.4 - 35

प्र.अ. - एक टेबुलपर कितने एक्जामिनर काम करते है ?

ब.ग.4 - 7 .

प्र.अ. - 3.2.1985 को आप जिस टेबुल परथे उस दिन और कोई एक्जामिनर था ?

ब.ग.4 - हाँ, मेरा और बीरेन्द्र कुमार सिंह का नाम भी एक ही टेबुल पर था.

प्र.अ. - श्री बीरेन्द्र कुमार सिंह के अलावा आपके टेबुल पर और कौन थे ?

ब.ग.4 - यह याद नहीं है.

प्र.अ. - सेक्शन"डी" में सर्वश्री अरुण कुमार ओझा एवं के.पी. सिंह के निलंबन आदेश के विषय में आपको किस बात पता चला.

ब.ग.4 - लगभग10.45 बजे.

प्र.अ. - यह पता चलने के बाद आपने क्या किया ?

ब.ग.4 - लगभग 10.45 में बैंक के कुछ नेता लोग सेक्शन में आये और उन्होंने कहा कि श्री अरुणकुमार ओझा और श्री के.पी.सिंह का निलंबन हो गया है जिसके लिए सभी लोगों को धरनास्थल के सामने [illegible]

प्र.अ. - जबतक श्री एम.एम.लाल पटना ऑफिस में रहे उनसे आपका संबंध कैसा रहा ?

ब.ग.4 - हमारा किसी प्रकार का संबंध नहीं रहा. मैं नकदी विभाग में काम करता था और वे जेनेरल साहब के थे.

प्र.अ. - बैंक के तरफ से छुट्टी के सिलसिले में आपको कभी कोई मेमो या चेतावनी मिली ?

ब.ग.4 - नहीं सर.

प्र.अ. - आप जब प्रबन्धक कक्ष के सामने गये उस वक्त श्री बीरेन्द्र कुमार सिंह कहा थे?

ब.ग.4 - प्रबन्धक कक्ष के सामने उस दिन काफी भीड़ थी. मैं और श्री बीरेन्द्र कुमार सिंह ,पीडीओ,काउन्टर के सामने खड़े थे.

प्र.अ. - क्या आपको उस वक्त पता था कि श्री एम.एम.लाल को हमारे बैंक के कुछ कर्मचारियों ने चोट पहुँचाया है ?

ब.ग.4 - नहीं सर.

प्र.अ. - इस विषय में इसके बाद आपको कुछ पता चला ?

ब.ग.4 - नहीं सर.

प्र.अ. - प्रदर्शन के बाद आप कहाँ गये ?

ब.ग.4 - हमलोग सेक्शन में गये.

प्र.अ. - किस समय?

ब.ग.4 - करीब 12.00 के बाद.

प्र.अ. - उस वक्त भी श्री बीरेन्द्र कुमार सिंह आपके साथ थे ?

ब.ग.4 - जी हाँ.

प्र.अ. - धन्यवाद तिवारी जी.

जां.अ. - आज की जाँच कार्रवाई समाप्त की जाती है. जाँच की अगली तिथि 9.12.1986 को निश्चित की जाती है.

(आलोक प्रसाद)	(ए.के.बोस)	(अरुण कुमार ओझा)
जाँच अधिकारी	प्रस्तुतकर्ता अधिकारी	बचाव प्रतिनिधि
Jaya Nand Tiwari		
(जयानंद तिवारी)	(बीरेन्द्र कुमार सिंह)	
बचाव गवाह सं.4	आरोपित कर्मचारी	

दी.

श्री बीरेन्द्र कुमार सिंह, संयुक्त संवर्ग श्रेणी-II के विरुद्ध आरोप-पत्र संख्या एमजीआर. 4597/22[2]-34-35 दिनांक 2 अप्रैल 1935 के द्वारा लगाये गये आरोप के संबंध में दिनांक 21 नवम्बर 1936 को हुई जाँच कार्यवाही.

स्थान- जाँच अधिकारी का कक्ष
समय - 11.00 बजे पूर्वाह्न

श्री आलोक प्रसाद	- जाँचअधिकारी	= जाँ.अ.
" ए.के.बोस	- प्रस्तुतकर्ता अधिकारी	= प्र.अ.
" अरुण कुमार ओझा	- बचाव प्रतिनिधि	= ब.प्र.
" जयानंद तिवारी	- बचाव गवाह सं.4	= ब.ग.4
" बीरेन्द्र कुमार सिंह	- आरोपित अधिकारी	= आर.अ.

जाँ.अ. - आज की जाँच कार्यवाई शुरू की जाए। बचाव प्रतिनिधि श्री ओझा जी से अनुरोध है कि अपने बचाव गवाह श्री जयानंद तिवारी का परीक्षण प्रारंभ करें.

ब.प्र. - आप अपना परिचय दें.

ब.ग.4 - जयानंद तिवारी, संयुक्त संवर्ग श्रेणी-II, सेक्शन"ई" में मैं अभी काम कर रहा हूँ.

ब.प्र. - तिवारी जी क्या आप 3.2.1935 को बैंक आये थे ?

ब.ग.4 - जी हाँ.

ब.प्र. - आप उस दिन कहाँ कार्यरत थे ?

ब.ग.4 - मेरा नाम सेक्शन"बी" में था लेकिन काम करने के लिए सेक्शन"डी" में भेजा गया.

ब.प्र. - क्या आप बता सकते हैं कि उस दिन श्री बीरेन्द्र कुमार सिंह से आपकी कब और कहाँ भेंट हुई ?

ब.प्र.4 - मैं सेक्शन"बी"में आकर अपना उपस्थिति बना कर बैठा हुआ था और बीरेन्द्र कुमार सिंह का भी वहीं नाम था, वे करीब 10.15 बजे सेक्शन "बी" में आये और वहीं मुलाकात हुई.

ब.प्र. - उसके बाद आप लोग सेक्शन"बी" में ही रहे ?

ब.ग.4 - जी नहीं. सेक्शन"बी" में उस दिन काम नहीं हुआ था इसलिए मुझे और बीरेन्द्र कुमार सिंह को भी सेक्शन"डी" में काम करने के लिए भेजा गया था.

ब.प्र. - आप लोग सेक्शन"बी" से सेक्शन"डी" में लगभग कितने बजे गये थे ?

ब.ग.4 - करीब 10.30 में गया था.

ब.प्र. - सेक्शन"डी" में क्या आप और बीरेन्द्र कुमार सिंह दोनों एक ही टेबुल पर बैठे थे या अलग अलग टेबुलों पर ?

ब.ग.4 - एक ही टेबुल पर बैठे थे.

ब.पु. - क्या आप लोगों ने वहाँ सहायक कोआल को बताया था कि आप लोग सेक्शन"बी" से आये है ?

ब.ग.4 - जी हाँ.

ब.पु. - क्या आप बता सकते है कि सहायक कोआल कौन थे ?

ब.ग.4 - सहायक कोआल श्रीराजनाथ सिंह और श्री के.पी.सिंह थे.

ब.पु. - क्या आप यह भी बता सकते है कि उस दिन सेक्शन"डी" में आपलोग किस टेबुल पर बैठे थे ?

ब.ग.4 - यह याद नहीं लेकिन एक ही टेबुल पर बैठे थे ।

ब.पु. - आप लोग उस दिन सेक्शन"डी" में कितने बजे तक रहे ?

ब.ग.4 - हमलोग सेक्शन"डी" में लगभग ।।.00 बजे तक रहे.

ब.पु. - उसके बाद क्या हुआ ?

ब.ग.4 - उस दिन अन्य कुमार ओझा और श्री के.पी.सिंह को निलंबन आदेश मिला था जिसे बताने के नेता लोग सेक्शन में आये और इस बात की जानकारी मिली कि सब लोगों को प्रदर्शन के लिए चलना है । सील कीरए लौटा कर प्रबन्धक कक्ष के सामने प्रदर्शन के लिए चलने के लिए कहा गया हमलोगों को. पूरे सेक्शन के लोगों ने सील लौटा दिया । हमलोग भी ऐसा ही किये और सेक्शन के बाहर निकले । नीचे काउन्टर के दक्षिण जो जगह खुला है उसी जगह लोग इकट्ठे थे । हमलोग भी वहाँ आ गये ।

ब.पु. - क्या आप बता सकते है कि वे नेता लोग आपके सेक्शन में कितने बजे आये थे ?

ब.ग.4 - लगभग ।।.00 के पहले ही आये थे.

ब.पु. - आप लोग सेक्शन से सील लौटा कर जब नीचे आये तो श्री बीरेन्द्र कुमार सिंह भी आपके साथ ही थे ?

ब.ग.4 - जी हाँ.

ब.पु. - जब अन्य कर्मचारियों के साथ आप तथा श्री बीरेन्द्र कुमार सिंह सेक्शन से निकलकर बाहर नीचे जमा हुए तो फिर उसके बादक्या हुआ ?

ब.ग.4 - लोगों की भीड़ इकट्ठी हो गयी थी. और नारा लगाते हुए पश्चिम की ओर जो सीढ़ी है वहीं से हमलोग प्रबन्धक कक्ष के सामने पहुँचे ।

ब.पु. - आप लोग जब प्रबन्धक कक्ष के पास प्रदर्शन कर रहे थे तो उस समय क्या नारा लगा रहे थे ?

ब.ग.4 - मैनेजमेन्ट मुर्दाबाद, निलंबन आदेश वापस लो, कर्मचारी एकता जिन्दाबाद इत्यादि.

ब.पु. - क्या आपको याद है कि आप लोग लगभग कितने बजे प्रबन्धक कक्ष के पास प्रदर्शन के लिए पहुचे थे ?

ब.ग.4 - लगभग ।।.15 हो रहा होगा.

xxxx

ब.पु. - आपलोग फिर प्रबन्धक कक्ष के पास से वापस कब आये ?

ब.ग.4 - करीब 12.00 बजे के बाद.

ब.पु. - क्या उस समय तक निलंबन आदेशवापस हो गया था ?

ब.ग.4 - जी हाँ.

ब.पु. - फिर आपलोग कहाँ गये?

ब.ग.4 - फिर हमलोग अपने सेक्शन"डी" में गये.

ब.पु. - वहाँ काम किए ?

ब.ग.4 - जी नहीं. उस दिन काम नहीं मिला.

ब.पु. - एक सवाल और तिवारी जी उस दिन हाजरी बनाने से लेकर फिर लगभग 11.15 में प्रबन्धक कक्ष के पास प्रदर्शन में आने तक आप और श्री बीरेन्द्र कुमार सिंह एक ही साथ सेक्शन में ही रहे थे ?

ब.ग.4 - जी हाँ.

ब.पु. - धन्यवाद तिवारी जी.

जाँ.अ. - आज की जाँच कार्रवाई समाप्त की जाती है. जाँच की अगली तिथि 26.11.86 को तैय की जाती है.

(आलोक प्रसाद)	(ए.के.बोस)	(अरूप कुमार ओझा)
जाँच अधिकारी	प्रस्तुतकर्ता अधिकारी	बचाव प्रतिनिधि
Jaya Nand Tiwari		
(जयानन्द तिवारी)	(बीरेन्द्र कुमार सिंह)	
बचाव गवाह सं.4	आरोपित कर्मचारी	

दी.

श्री बीरेन्द्र कुमार सिंह, संयुक्त संवर्ग श्रेणी-II के विरूद्ध आरोप पत्र संख्या एमजीआर. 459/422/28-84-85 दिनांक 2 अप्रैल 1985 के द्वारा लगाये गये आरोप के संबंध में दिनांक 13 नवम्बर 1986 को हुई जाँच की कार्यवाही.

समय - 11.00 बजे पूर्वाह्न

स्थान- जाँच अधिकारी का कक्ष.

श्री आलोक प्रसाद	-	जाँच अधिकारी	= जां.अ.
" ए.के.बोस	-	प्रस्तुतकर्ता अधिकारी	= प्र.अ.
" अरूण कुमार ओझा	-	बचाव प्रतिनिधि	= ब.प्र.
" के.के.द्विवेदी	-	बचाव गवाह नं.3	= ब.ग.3
" बीरेन्द्र कुमार सिंह	-	आरोपित कर्मचारी	= आ.क.

जाँ.अ. - जाँच की कार्रवाई शुरू की जाए। प्रस्तुतकर्ता अधिकारी जी से अनुरोध है कि वे बचाव गवाह नं.3 श्री के.के.द्विवेदी जी का प्रतिपरीक्षण करें.

प्र.अ. - आप अपना परिचय दीजिए.

ब.ग.3 - मैं इसी बैंक में कार्यरत हूँ। स्थानीय लोक ऋण कार्यालय में लिपिक श्रेणी-I के पद पर कार्यरत हूँ। मेरा नाम कमलेश कुमार द्विवेदी है।

प्र.अ. - द्विवेदी जी दिनांक 8.2.1985 को आपके बैंक आने के समय से लगभग 12 या 12.30 बजे तक आपने क्या क्या देखा और सुना वह संक्षेप में बताएँ.

ब.ग.3 - इसका उत्तर मैंने पहले ही परीक्षण के क्रम में दे दिया है.

प्र.अ. - मेरा प्रश्न यह था कि आप हाजरी बनाने के लिए जब आए उस समय से निलंबन आदेश वापस लेने तक जो भी होते हुए देखा वह आप संक्षेप में बताएँ.

जाँ.अ. - जैसा कि प्रस्तुतकर्ता अधिकारी ने कहा है, संक्षेप में उनका जबाब दिया जाए.

ब.ग.3 - उस दिन मैं समय पर कार्यालय आया था. यानि 10.05 या 10.10 के बीच. बैंक के पश्चिमी दरवाजे की सीढ़ी के पास अरूणकुमार ओझा से भेंट हुई और उन्होंने बताया कि उनका निलंबन कर दिया गया है। मुझे लगा कि यह मजाक कर रहे हैं। मैंने कहा कि हाजरी लगाकर आता हूँ. मैं बाहर निकला मेरी मुलाकात रामेश्वर पाण्डेय से हुई उन्होंने बताया कि ओझा जी का निलंबन हुआ है और वे सेक्शन में कुछ लोगों से मिलने गये है। आप रूकिए. करीब 10 या 15 मिनट खड़ा रहा। इसी बीच में श्यामराम पाण्डेय, भरत सिंह और एक दो और लोग इकट्ठे होते गये। मैंने कहा कि चलिए प्रबन्धक अनुभाग में वस्तु-स्थिति क्या है इसका पता लगाया जाये। प्रबन्धक अनुभाग आने पर पाठकजी से भेंट नहीं हुई और ब्रह्मचारी जी टेलिफोन कर रहे थे. हमलोग एक दो मिनट प्रबन्धक अनुभाग खड़े रहे और उसके बाद बाहर चले आए। इसके बाद और लोग नीचे चले गये कुछ लोगों को इकट्ठा करने के लिए तथा उसके बाद प्रदर्शन हुई, नारेबाजी होने लगी. फिर प्रबन्धक महोदय से बात चीत हुई और हमलोग वापस चले गये.

प्र.अ. - निलंबन आदेश वापस लेने के लिए प्रबन्धक से आपकी बातचीत कहाँ हुई?

ब.ग.3 - पहले तो हमलोग बाहर थे । उसके बाद प्रबन्धक कक्ष के सामने रघुराज सिंह थे, तो मैंने कहा कि प्रबन्धक को बोलिए बाहर आने को । प्रबन्धक महोदय बाहर आये दरवाजे के पास। फिर जब एसोसियसन के प्रतिनिधि आ गये तो अंदर भी उनसे बातचीत हुई.

प्र.अ. - जिस वक्त प्रबन्धक कक्ष के दरवाजे के पास प्रबन्धक से बातचीत कर रहे थे उस वक्त उनके कक्ष के अन्दर देखने का मौका मिला?

ब.ग.3 - वह क्या ऐसा होता है कि उस वक्त उत्तेजना होती है और इधर उधर पता करने की निगाह नहीं रहती है.

प्र.अ. - यह बात सही है । लेकिन इसके बाद भी आस-पास के दो चार लोगों को लोग देख ही लेते है.

ब.ग.3 - ऐसा होता नहीं है. दरवाजे की स्थिति है कि एक[पल्ला] दरवाजा बन्द रहता है और वैसी हालत में सिर्फ सामने दीवार दिखाई पड़ता है । .

प्र.अ. - आपको यह याद है कि गिरने के बाद श्री एम.एम.लाल जब उठकर प्रबन्धक कक्ष की ओर गये उस वक्त उन्होंने वरमा पहने रखा था या नहीं ?

ब.ग.3 - सच्चाई यह है कि लाल साहब की ओर किसी का ध्यान नहीं था. हम लोग पता लगाना चाहते थे कि निलंबन क्यों हुआ.

प्र.अ. - ओझाजी के निलंबन आदेश के विषय में जानकारी हासिल करने के लिए जब आप प्रबन्धक अनुभाग में गये उस वक्त श्री एम.एम.लाल के अलावे और कौन-कौन पदाधिकारी वहाँ मौजूद थे ?

ब.ग.3 - जैसा मुझे याद है कि एक ब्रह्मचारी जी थे और किसी के बारे में याद नहीं पड़ता है.

प्र.अ. - दिनांक 3 फरवरी 1985 को 10 बजे से शाम 5 बजे के बीच आपने श्री बीरेन्द्र कुमार सिंह को बैंक में देखा ?

ब.ग.3 - ऐसा है कि जब यह मामला सेटल हो गया तो मैंने मुद्रा अधिकारी श्री राधेश्याम जी से टेलिफोन पर घर जाने की अनुमति मांगी क्यों कि उस वक्त मुझे सर में दर्द हो रहा था और मैं बिमार चल रहा था.

प्र.अ. - मतलब उस दिन श्री सिंह को देखा ही नहीं था ?

ब.ग.3 - मामला सेटल हुआ और मैंने श्री राधेश्याम जी से छुट्टी ~~~~ मांग ली.

प्र.अ. - धन्यवाद द्विवेदी जी.

जाँ.अ. - कुछ सवाल हम भी द्विवेदी जी से पूछना चाहेंगे. द्विवेदी जी, जब आप लोग प्रबन्धक अनुभाग में गये तो किसी से भी कुछ बातचीत नहीं की ?

ब.ग.3 - ब्रह्मचारी जी टेलिफोन कर रहे थे और पाठक जी नहीं थे.

जाँ.अ. - आपने पहले बताया कि आप लोग प्रबन्धक अनुभाग में गये वह जानकारी प्राप्त करने कि ओझा जी का निलंबन क्यों हुआ है । आपने यह बताया कि उस दिन ब्रह्मचारी जी स्टाफ अधिकारी (अनुशासन) थे. तो आपने यह ठीक नहीं समझा कि ब्रह्मचारी जी से जानकारी प्राप्त करने के लिए कुछ देर वहाँ इंतजार कर लें.

ब.ग.3 - आप बिल्कुल ठीक कहते हैं । लेकिन स्थिति ऐसी थी कि अकारण निलंबन होता है तो यह चिन्तनीय विषय होता है । यहाभी बिना किसी कारण का निलंबन हुआ था । इसके लिए हमलोग काफी क्षुब्ध थे । ऐसी स्थिति में इंतजार करना संभव नहीं था.

जाँ.अ. - हमारी आखरी सवाल. श्री लाल को आपने 3.2.1985 को प्रबन्धक अनुभाग से बाहर फिर देखा कि नहीं ?

ब.ग.3 - नहीं.

जाँ.अ. - आज की जाँच कार्रवाई समाप्त की जाती है. जाँच की अगली तिथि 21 नवम्बर 1986 के लिये तैयकी जाती है.

(आलोक प्रसाद)
जाँच अधिकारी

(ए.के.बोस)
प्रस्तुतकर्ता अधिकारी

(अल्प कुमार ओझा)
बचाव प्रतिनिधि

(के.के.द्विवेदी)
बचाव गवाह नं.3

(बीरेन्द्र कुमार सिंह)
आरोपित कर्मचारी

दी.

श्री वीरेन्द्र कुमार सिंह, संयुक्त सिर्फ ग्रेजो-।। के विरुद्ध आरोप पत्र संख्या एमजोआर.4597/22[2]-34-35 दिनांक 2 अप्रैल ।935 के द्वारा लगाये गये आरोप के संबंध में दिनांक 14 नवम्बर ।936 को हुई जाँच की कार्यवाही.

समय - 12.00 बजे मध्याह्न
स्थान- जाँच अधिकारी कक्ष

श्री आलोक प्रसाद	- जाँच अधिकारी	= जाँ.अ.
" ए.के.बोस	- प्रस्तुतकर्ता अधिकारी	= प्र.अ.
" अरुण कुमार ओझा	- बचाव प्रतिनिधि	= ब.प्र.
" के.के.द्विवेदी	- बचाव गवाह संख्या 3	= बा.3
" वीरेन्द्र कुमार सिंह	- आरोपित कर्मचारी	= आ.क.

जाँ.अ. - जाँच की कार्यवाई शुरू की जाती है. बचाव प्रतिनिधि श्री अरुण कुमार ओझा जी से निवेदन है कि वे अपने तीसरे गवाह श्री के.के.द्विवेदी का परीक्षण शुरू करें.

ब.प्र. - सर्वप्रथम आप अपना परिचय दीजिए.

ब.गा.3 - मैं इसी बैंक का कर्मचारी हूँ. मेरा नाम के.के.द्विवेदी है. अभी सत्यापन अनुभाग में लिपिक ग्रेजो-। की हैसियत से काम कर रहा हूँ.

ब.प्र. - क्या आप दिनांक 3 फरवरी ।935 को बैंक में उपस्थित थे ?

ब.गा.3 - हाँ.

ब.प्र. - आप उस दिन किस अनुभाग में कार्यरत थे ?

ब.गा.3 - दावा अनुभाग में.

ब.प्र. - आप उस दिन लगभग कितने बजे बैंक आये थे ?

ब.गा.3 - 10.05- 10.10 के बीच आये थे.

ब.प्र. - बैंक आने पर क्या उस दिन आपको किसी असामान्य वस्तुस्थिति का पता चला ?

ब.गा.3 - बैंक दरवाजे पर मेरी भेंट श्री अरुण कुमार ओझा से हुई. उन्होंने बताया कि मेरा निलंबन हो गया है.

ब.प्र. - इस पर आपकी क्या प्रतिक्रिया हुई ?

ब.गा.3 - मुझे ऐसा लगा कि वे मजाक कर रहे हैं. मैंने कहा कि हाजरी लगाकर आता हूँ.

ब.प्र. - जब आप हाजरी लगाकर बाहर निकले तो क्या हुआ ?

ब.गा.3 - बाहर मैं निकले तो पश्चिम वाली सीढ़ी के पास श्री रामेश्वर पाण्डेय से मेरी भेंट हुई. उन्होंने भी कहा कि श्री ओझा जी का निलंबन हो गया है. आप ठहरिये, वे कुछ लोगों से सेवरान में मिलने गये हैं.

ब.प्र. - सेवरान से फिर वे बाहर आये ?

ब.गा.3 - हाँ, बाहर आये.

ब.प्र. - उनके साथ और कोई थे ?

ब.ग.3 – ऐसा है कि जहाँ पर खड़े थे वहाँ श्री धनश्याम पाण्डेय, श्री भरत सिंह, आये, श्री ओझा जी आये. ये सब लोग आते गये और जमा हो गये.

ब.प्र. – फिर उसके बाद आपलोगों ने क्या किया ?

ब.ग.3 – मेरा सुझाव था कि सच्चाई का पता लगाया जाए कि आखिर मामला क्या है.

ब.प्र. – सच्चाई का पता लगाने के लिए आपने क्या किया ?

ब.ग.3 – हमलोग प्रबन्धक अनुभाग आये लेकिन किसी अधिकारी से बात नहीं हो सकी क्योंकि पाठक जी सीट पर नहीं थे और श्री ब्रह्मचारी जी टेलिफोन पर बातचीत कर रहे थे.

ब.प्र. – जब आप प्रबन्धक अनुभाग में गये तो उस समय लगभग क्या समय हो रहा था ?

ब.ग.3 – 10.30 से 10.35 के आसपास रहा होगा.

ब.प्र. – आपके साथ प्रबन्धक अनुभाग में और कोई लोग गये थे क्या ?

ब.ग.3 – हाँ, मेरे साथ और लोग गये थे.

ब.प्र. – उस समय प्रबन्धक अनुभाग में श्री वीरेन्द्र कुमार सिंह को आपने देखा ?

ब.ग.3 – श्री वीरेन्द्र कुमार सिंह न मेरे साथ थे और न मैंने उन्हें वहाँ देखा.

ब.प्र. – क्या उस समय वहाँ सहायक सुरक्षा अधिकारी श्री एस.के.चक्रवर्ती को देखा ?

ब.ग.3 – नहीं.

ब.प्र. – जब आपलोग प्रबन्धक अनुभाग में थे तो उस समय क्या वहाँ श्री एम.एम.लाल के साथ किसी तरह की कोई घटना घटी ?

ब.ग.3 – वैसा तो कुछ नहीं हुआ. वे खड़े होना चाहते थे लेकिन वे गिर पड़े और उसके बाद फिर वे उठकर वे प्रबन्धक अनुभाग कक्ष में चले गये.

ब.प्र. – प्रबन्धक अनुभाग से प्रबन्धक कक्ष की ओर जाते वक्त क्या आपने श्री एम.एम.लाल के शरीर पर कोई चोट या खून देखा ?

ब.ग.3 – मैंने ध्यान नहीं दिया.

ब.प्र. – जब आपको प्रबन्धक अनुभाग में किसी से कुछ बातचीत नहीं हुआ और कुछ पता नहीं चला तो फिर आपलोगों ने क्या किया ?

ब.ग.3 – तब तक चूँकि अधिकांश लोग बोल रहे थे कि निलंबन हो गया है. मैंने लोगों से कहा कि आपलोग जमा हों और प्रबन्धक के सामने नारेबाजी शुरू की जाय ।

ब.प्र. – क्या कर्मचारी लोग प्रबन्धक कक्ष के पास अपने आप जमा हुए या आप भी विभिन्न विभागों में जाकर उन लोगों को जमा होने के लिए आग्रह किया ?

ब.ग.3 – मैंने भी आग्रह किया.

ब.प्र. – जब प्रबन्धक कक्ष के पास नारेबाजी होने लगी तो उस समय क्या

ब.ग.3 – जो सामान्य नारा होता है वही था, निलंबन आदेश-वापस लो, प्रबन्धक – मुर्दाबाद आदि ।

ब.प्र. – कर्मचारियों के इस सामूहिक प्रदर्शन का क्या परिणाम निकला ?

ब.ग.3 – बातचीत के बाद निलंबन आदेश वापस लिया गया .

ब.प्र. – निलंबन आदेश वापस होने के बाद फिर आपलोग अपने-अपने अनुभाग में वापस चले गये ?

ब.ग.3 – हाँ.

ब.प्र. – प्रबन्धक कक्ष के पास से आपलोग लगभग कितने बजे हटे होंगे ?

ब.ग.3 – 12.15 के लगभग ।

ब.प्र. – धन्यवाद द्विवेदी जी, अब आपसे कुछ नहीं पूछना है.

जां.अ. – ~~xxxxxx~~ आज की जाँच की कार्रवाई समाप्त की जाती है. जाँच की अगली तिथि मंगलवार, दिनांक 13 नवम्बर 1936 को निश्चित की जाती है.

(आलोक प्रसाद)	(ए.के.बोस)	(अरुण कुमार ओझा)
जाँच अधिकारी	प्रस्तुतकर्ता अधिकारी	बयान प्रतिनिधि

(के.के.द्विवेदी)
बयान गवाह सं.3

(बीरेन्द्र कुमार सिंह)
आरोपित कर्मचारी

दी.

श्री बीरेन्द्र कुमार सिंह, संयुक्त संवर्ग श्रेणी-II के विरुद्ध आरोप-पत्र संख्या एमजीआर.4596/22&2&64-85 दिनांक 2 अप्रैल 1985 द्वारा लगाया गया आरोप के संबंध में दिनांक 11.11.1986 को हुई जाँच की कार्यवाही.

स्थान- सहायक निदेशक का कक्ष
समय - 11.00 बजे पूर्वाह्न

श्री आलोक प्रसाद	-	जाँच अधिकारी	- जाँ.अ.
" ए.के.बोस	-	प्रस्तुतकर्ता अधिकारी	- प्र.अ.
" ए.के.ओझा	-	बचाव प्रतिनिधि	- ब.प्र.
" रामेश्वर पाण्डेय	-	बचाव गवाह नं.II	- ब.ग.नं.I
" बीरेन्द्र कुमार सिंह	-	आरोपित कर्मचारी	- आ.क.

जाँ.अ. - जाँच की कार्रवाई शुरू की जाती है । प्रस्तुतकर्ता अधिकारी से अनुरोध है कि बचाव गवाह नं.II श्री रामेश्वर पाण्डेयजी का प्रतिपरीक्षण करें.

प्र.अ. - अपना परिचय दीजिए.

ब.ग.नं.II - मेरा नाम रामेश्वर पाण्डेय है. मैं यहाँ सिक्का-नोट-परीक्षक हूँ.

प्र.अ. - पाण्डेय जी 6 नवम्बर 1986 को हुई कार्रवाई के दौरान आपने बताया कि 8.2.1985 को आप बैंक में उपस्थित थे. क्या यह सही है ?

ब.ग.नं.II - जी हाँ.

प्र.अ. - क्या यह भी सही है कि उस दिन हाजरी बनाने के बाद आप बाहर निकले, वहाँ आपके कुछ मित्र मिले और उनके साथ कुछ बातचीत करने के बाद आपलोग प्रबन्धक अनुभाग में गये ?

ब.ग.नं.II - जी हाँ.

प्र.अ. - आप उन मित्रों का नाम बताना चाहेंगे जो आपके साथ प्रबन्धक अनुभाग में गये.

ब.ग.नं.II - जी. उसमें के.के.द्विवेदी, भरत सिंह, अरुण कुमार ओझा, और रामधाम पाण्डेय के साथ मैं प्रबन्धक अनुभाग में गया.

प्र.अ. - 8.2.1985 को आपने हजारी बनाने और अपने मित्रों के साथ प्रबन्धक अनुभाग में पहुचने के बीच कितना समय गुजरा होगा ?

ब.ग.नं.II - करीब 15 मिनट

प्र.अ. - जिस वक्त आप लोग प्रबन्धक अनुभाग में पहुचे उस वक्त लगभग क्या समय हो रहा होगा ?

ब.ग.नं.II - लगभग 10.30

प्र.अ. - उस दिन हाजरी बही पर दस्खत आपने कब किया ?

ब.ग.नं.II - 10.10 या 10.12 मिनट पर.

प्र.अ. - प्रबन्धक अनुभाग से आप लोग कहाँ गये ?

ब.ग.नं.II - प्रबन्धक अनुभाग से मैं कोषागार अनुभाग में आ गया.

प्र.अ. - उसके बाद आप और कहीं गये या कोषागार अनुभाग में ही रहे ?

ब.ग.नं.II - कोषागार अनुभाग के बाद मैं दावा अनुभाग और सिक्का अनुभाग में भी गया.

प्र.अ. – प्रबन्धक अनुभाग से निकलने के कितने समय बाद आप दावा अनुभाग में गये ?

ब.ग.नं.11 – लगभग 15 मिनट के बाद.

प्र.अ. – जैसा कि आप अपने 6.11.86 के बयान में कहा कि उसके बाद आप और बहुत सारे कर्मचारी प्रबन्धक वर्ग के सामने गये. उस वक्त क्या समय हो रहा था ?

ब.ग.नं.11 – करीब 11.15 हो रहा था.

प्र.अ. – आप लोग निलंबन आदेश क्यों जारी हुआ यह जानने के लिए लगभग 10.30 बजे, जैसा कि आपने बताया, प्रबन्धक अनुभाग गये. उसके बाद उसी दिन प्रबन्धक से यह आश्वासन मिलने पर कि निलंबन आदेश वापस लिया जाएगा आप लोग फिर अपने अपने काम पर लौट गये. क्या यह सही है ?

ब.ग.नं.11 – निलंबन आदेश वापस लेने के बाद अपना काम करने के लिए अपने सेक्शन वापस गया तो लगभग 12.30 के बाद हम लोगों को काम नहीं दिया गया.

प्र.अ. – प्रबन्धक से निलंबन आदेश वापस लेने का आश्वासन उस दिन आप लोग को किस समय दिया गया था ?

ब.ग.नं.11 – 12.15 के करीब.

प्र.अ. – एक और छोटा सा सवाल पाण्डेय जी . अभी तक मैंने आपसे जो भी पूछ आप उस घटना के निश्चित समय को बताते रहे. क्या आप हर घटना के बाद घड़ी देख लिया करते थे ?

ब.ग.नं.11 – जी नहीं. जो भी हमने समय बताया है 2 या 1 मिनट लगभग ही रहा होगा.

प्र.अ. – धन्यवाद पाण्डेय जी.

बॉ.अ. – कुछ सवाल हम भी पाण्डेयजी से पूछना चाहेंगे.
पहला सवाल यह है पाण्डेय जी कि जब आप प्रबन्धक अनुभाग में गये तो आपकी किसी से भी बातचीत हुई की नहीं ?

ब.ग.नं.11 – जी नहीं.

बॉ.अ. – आपने पहले कहा है कि प्रबन्धक अनुभाग में थे इस उद्देश्य से कि निलंबन आदेश के बारे में जानकारी प्राप्त करने. इसकी जानकारी के लिए कोई कार्रवाई क्यों नहीं की ?

ब.ग.नं.11 – जबहम प्रबन्धक अनुभाग में गये तो प्रवेश करने के बाद पहला टेबुल रजनी बाबू का था उनके सामने पाठकजी का था दोनों आदमी वहाँ नहीं दिखाई दिये और ब्रह्मचारी जी अपना टेलिफोन कर रहेथे और इसी बीच लाल साहब को बुलकर आ गया और उसके बाद उस वातावरण में हम किसी और से पूछताछ नहीं कर सके.

जाँ.अ. - जब लाल साहब को बक्कर आ गया तो आप लोग उनकी मदद के लिए बढ़े ?

ब.ग.नं.II - हम लोगवहाँ खड़े रहे जैसा कि मैंने पहले भी बताया है कि एकाएक यह देखकर हमलोग हतप्रभ रह गये.

जाँ.अ. - सामान्य तरीके से कोई आदमी को बक्कर आते हुए देखने पर, स्वाभाविक है कि उनकी मदद करने के लिए लोग बढ़ते है. तो ऐसा आप लोगों ने क्यों नहीं किया ?

ब.ग.नं.II - किसी स्वस्थ आदमी के इसतरह से बक्कर आने पर हतप्रभ होना स्वाभाविक है और श्री लाल साहब जब अपने कुर्सी पर से टेबुल पर मुँह करके गिरे तो कुछ ही सेकेन्ड के बाद फिर हड़बराकर उठे भी और प्रबन्धक कक्ष में चले गये. तो इसतरह के मामूली बक्कर से मदद की कोई जरूरत हमलोगों ने नहीं समझा.

जाँ.अ. - जब कि वे बक्कर आने की बजह से गिरे तो आपने उनके शरीर पर कहीं चोट अथवा खून का निशान देखा ?

ब.ग.नं.II - जी नहीं.

जाँ.अ. - धन्यवाद पाण्डेय जी.

आज की जाँच कार्रवाई समाप्त की जाती है. जाँच की अगली तिथि 14.11.96 को तय की जाती है.

§आलोक प्रसाद§
जाँच अधिकारी

§ए.के.बोस§
प्रस्तुतकर्ता अधिकारी

§ए.के.आचा§
बाव प्रतिनिधि

§रामेश्वर पाण्डेय§
बैंक गवाह नं.II

§बीरेन्द्र कुमार सिंह§
आरोपित कर्मचारी

दी.

श्री बीरेन्द्र कुमार सिंह, संयुक्त संकर्म प्रेषी-II के विरूद्ध आरोप-पत्र संख्या एमजीआर.459/22(2)-34-35 दिनांक 2 अप्रैल 1935 के द्वारा लगाये गये आरोप के संबंध में दिनांक 6.11.1936 को हुई जाँच की कार्यवाही.

स्थान- सहायक नियंत्रक का कक्ष

समय - 11.00 बजे पूर्वाह्न

श्री आलोक प्रसाद	- जाँच अधिकारी	- जा.अ.
" ए.के.बोस	- प्रस्तुतकर्ता अधिकारी	- प्र.अ.
" ए.के.ओझा	- बचाव प्रतिनिधि	- ब.प्र.
" रामेश्वर पाण्डेय	- बचाव गवाह नं.II	- ब.ग.2
" बीरेन्द्र कुमार सिंह	- आरोपित कर्मचारी	- आ.क.

जा.अ. - जाँच की कार्रवाई शुरू की जाती है. बचाव प्रतिनिधि श्री ओझा जी से अनुरोध है कि वे अपने दूसरे गवाह का परीक्षण करें.

ब.प्र. - आज मैं बचाव पक्ष के दूसरे गवाह को प्रस्तुत करने जा रहा हूँ. (बचाव प्रतिनिधि बचाव गवाह से) आप अपना परिचय दीजिए.

ब.ग.2 - मेरा नाम रामेश्वर पाण्डेय है । मैं एक सिक्का-नोट-परीक्षक हूँ.

ब.प्र. - क्या आप दिनांक 3.2.1935 को बैंक में उपस्थित थे ?

ब.ग.2 - जी हाँ.

ब.प्र. - आप उस दिन कितने बजे बैंक आये थे ?

ब.ग.2 - उस दिन बैंक में लगभग 10.15 बजे आया.

ब.प्र. - आप उसदिन कहाँ कार्यरत्त थे ?

ब.ग.2 - कोषागार अनुभाग में.

ब.प्र. - आप जब उस दिन बैंक आये तो क्या कहीं असमान्य वस्तुस्थिति का पता चला ?

ब.ग.2 - जब मैं हाजरी बनाकर निकला तो उस समय बैंक(कोषागार अनुभाग) के अधिकांश कर्मचारी नहीं आ सके थे तो मैं बाहर निकला.

ब.प्र. - आपको कहीं और क्या पता चला ?

ब.ग.2 - जब पश्चिम वाले गेट से निकल रहा था तो वहाँ श्री अरूण कुमार ओझा से भेंट हुई.

ब.प्र. - उनसे आपको क्या पता चला ?

ब.ग.2 - उन्होंने कहा कि मेरा निलंबन हुआ है.

ब.प्र. - उसके बाद आपने क्या किया ?

ब.ग.2 - बात सुनने से बहुत अफसोस हुआ। फिर ओझा जी ने कहा कि मैं आता हूँ सेवाराम से लौटकर.

ब.प्र. - उसके बाद क्या हुआ ?

ब.ग.2 - भीतर से श्री भरत सिंह, श्री के.के.द्विवेदी आये तो मैंने उन लोगों को बताया. उन लोगों ने कहा कि भाई हम के.पी.सिंह के निलंबन का भी सुन रहे है.

ब.प्र. - उसके बाद आपने क्या किया ?

ब.ग.2 - उसके बाद उन लोगों ने कहा कि चलिए पता लगाया जाय.

ब.प्र. - तो आप गये ?

ब.ग.2 - नहीं मैंने उनलोगों से कहा कि अरूण कुमार ओझा सेक्शन से आ रहे है यहीं रूका जाए ।

ब.प्र. - सेक्शन से जब ओझा जी आये तो क्या वे अकेले थे ?

ब.ग.2 - जी नहीं.

ब.प्र. - और कोई लोग था उनके साथ ?

ब.ग.2 - उनके साथ श्यामश्याम पाण्डेय थे.

ब.प्र. - उन लोगों के सेक्शन से बाहर निकल कर आने के बाद आप लोगों ने क्या किया ?

ब.प्र.2 - हम लोगों ने कहा कि चला जाय प्रबन्धक अनुभाग कि वहाँ क्या बात है.

ब.प्र. - तो वहाँ से आप लोग प्रबन्धक अनुभाग गये ?

ब.ग.2 - जी.

ब.प्र. - आपके साथ कौन-कौन लोग थे ?

ब.ग.2 - हमारे साथ भरत सिंह, के.के.द्विवेदी, श्यामश्याम पाण्डेय थे और अरूण कुमार ओझा थे.

ब.प्र. - आप लोग किस रास्ते से ऊपर गये ?

ब.ग.2 - पश्चिम वाले दरवाजे से जो सिढ़ी ऊपर जाती है.

ब.प्र. - आप लोग जब प्रबन्धक अनुभागमें गये तो उस समय क्या समय हो रहा होगा ?

ब.ग.2 - लगभग 10.30.

ब.प्र. - आपके साथ प्रबन्धक अनुभाग के अन्दरकौन-कौन लोग गये ?

ब.ग.2 - हम सभी लोग गये जिनका मैंने नाम बताया.

ब.प्र. - आप लोग प्रबन्धक अनुभाग क्यों गये ?

ब.ग.2 - प्रबन्धक अनुभाग में हम लोग गये यह पता करने कि क्या वजह है कि के.पी.सिंह और अरूण कुमार ओझा के निलंबन की बात सुनी जा रही है.

ब.प्र. - वहाँ आपने क्या देखा ?

ब.ग.2 - दरवाजे से गये तो दत्तीबाबू का टेबुल था और पाठकजी जहाँ बैठते है वे भी नहीं थे और ब्रह्मचारी जी खड़ेहोकर टेलिफोन कर रहे थे. लाल साहब (एम.एम.लाल) कुछ अपना लिख रहे थे और हमलोगों को देखकर हड़बड़ाकर खड़े हुए और अपने टेबुल पर गिर पड़े तो मुझे ऐसा लगा कि उनको चक्कर आ गया । उसके कुछ सेकेन्ड सेकेन्ड के बाद से

वे फिर खड़े हुए और मैनेजर चेम्बरकि ओर गये उनके साथ पानि उनके पीछे ब्रह्मचारी जी भी चले गये ।

ब.पु. - उसके बाद आपलोगों ने वहाँ क्या किया ?

ब.ग.2 - उसके बाद यह देखकर हमें काठमार गया.

ब.पु. - जब आप लोग प्रबन्धक अनुभाग मेंगये थे तो क्या उस समय वहाँ श्री वीरेन्द्र कुमार सिंह भी थे ?

ब.ग.2 - हमने आपको बतलाया न कि के.के.त्रिवेदी, भरत सिंह, रामश्याम पाण्डेय, अरुण कुमार ओझा इतने लोग थे वहाँ, वीरेन्द्र कुमार सिंह नहीं थे.

ब.पु. - प्रबन्धक अनुभाग से जब लाल साहब प्रबन्धक कक्ष में चले गये उसके बाद क्या आप लोग प्रबन्धक अनुभाग में ही रहे या वहाँ से बाहर निकल गये?

ब.ग.2 - हमलोग वहाँ से बाहर निकल गये.

ब.पु. - जब आप लोग प्रबन्धक अनुभाग में थे तो उस समय या वहाँ से लौटते वक्त क्या आप लोग कोई नारा लगा रहे थे ?

ब.ग.2 - हमलोग प्रबन्धक अनुभाग में पता लगाने के लिए गये थे, नारा नहीं लगा रहे थे.

ब.पु. - आप लोग जब प्रबन्धक अनुभाग में थे तो क्या उस समय वहाँ सहायक सुरक्षा अधिकारी श्री एस.के.चक्रवर्ती थे ?

ब.ग.2 - जी नहीं.

ब.पु. - जब श्री एम.एम.लाल हड़बड़ाकर उठे और टेबुल पर गिरे फिर उठकर जब प्रबन्धक कक्ष में चले गये तो उस समय या उनके जाते वक्त क्या आपने उनके शरीर पर कोई चोट अथवा खून देखा ?

ब.ग.2 - नहीं.

ब.पु. - प्रबन्धक अनुभाग से लौटने के बाद आपने क्या किया ?

ब.ग.2 - वहाँ से लौटने के बाद मैं कोयला अनुभाग चला गया.

ब.पु. - कोयला अनुभाग में आपने क्या किया ?

ब.ग.2 - कोयला में सब जगह यही चर्चा थी.

ब.पु. - ~~कोयला अनुभाग~~ क्या चर्चा थी ?

ब.ग.2 - लोगों में बड़ा आक्रोश था .

ब.पु. - वहाँ आपने और क्या किया ?

ब.ग.2 - वहाँ से मैंदावा अनुभाग में गया. सिंका अनुभाग गया.

ब.पु. - जब आप दावा अनुभाग में गये तो उस यम वहाँ श्री शिवजी सिंह थे ?

ब.ग.2 - थे.

ब.पु. - वे क्या कर रहे थे ?

ब.ग.2 - शिवनारायण प्रसाद जो ग्रेड"ए" अधिकारी है उनके साथ बैठकर बातकर रहे थे.

ब.प्र. - जिस समय आपने उनको वहाँ देखा उस समय क्या समय हो रहा था ?

ब.ग.2 - लगभग 10.45 हो रहा था.

ब.प्र. - जब आप सिक्का अनुभाग की ओर गये तो उस समय सहायक सुरक्षा अधिकारी श्री एस.के.चक्रवर्ती क्या अपने कक्ष में थे ?

ब.ग.2 - थे.

ब.प्र. - इन सभी सेक्शनों में घुमने के पश्चात फिर क्या हुआ ?

ब.ग.2 - काउन्टर के दक्षिण तरफ जहाँ पुलिस खड़ी रहती है वहाँ सब सेक्शनों से नकदी,पी.ए.डी..डी.ए.डी के सभी लोग इकट्ठे हो रहे थे. तृतीय एवं चतुर्थवर्ग के कर्मचारी.

ब.प्र. - लोग क्यों जमा हो रहे थे ?

ब.ग.2 - वहाँ निलंबन की चर्चा हो रही थी, बड़ा तनाव था.

ब.प्र. - वहाँ पर लोगों ने क्या किया ?

ब.ग.2 - वहाँ से भी लोग धीरे धीरे प्रबन्धक कक्ष की ओर चलने लगे.

ब.प्र. - वहाँ से लोग किस रास्ते से प्रबन्धक कक्ष के पास आये ?

ब.ग.2 - पश्चिम वाले रास्ते से.

ब.प्र. - जब लोग नीचे से ऊपर प्रबन्धक कक्ष के पास आ रहे थे तो उस समय कोई नारा लग रहा था ?

ब.ग.2 - वहाँ से प्रबन्धक कक्ष आते वक्त लोगों ने नाराशुरू किया.

ब.प्र. - क्या नारा था ?

ब.ग.2 - निलंबन वापस लो, हमारी एकता जिन्दाबाद यही सब.

ब.प्र. - जब आप लोग प्रबन्धक कक्ष के समीप इकट्ठा हुए तो उस समय क्या समय हो रहा था ?

ब.ग.2 - लगभग 11.15 हो रहा था.

ब.प्र. - उस समय वहाँ कितने लोग जमा हुए थे ?

ब.ग.2 - वहाँ पर पी.डी.ओ. से मेम्बर तक पूरा लोग जमा थे.

ब.प्र. - वहाँ नारा लगाने के बाद क्या हुआ ?

ब.ग.2 - बाहर से मैनेजर मेम्बर के तरफ वाला दरवाजा है तो इसको लोग खुलवाकर प्रबन्धक से मिलना चाहते थे जो हमारे प्रतिनिधि थे । कुछ देर बाद प्रबन्धक कक्ष का दरवाजा खुला और प्रतिनिधि लोग बात किये.कुछ देर के बाद प्रबन्धक महोदय ने आश्वासन दिया कि निलंबन हम वापस ले रहे है.

ब.प्र. - जिस समयआप लोग वहाँ नारा लगा रहे थे तो क्या वहाँ पुलिस भी आई थी.

ब.ग.2 - हम लोगों के आने के कुछ देर बादपुलिस आई.

ब.प्र. - क्या आप बता सकते है कि पुलिस क्यों बुलाई गयी थी ?

ब.ग.2 – हमारे यहाँ जब जब कोई आन्दोलन होता है तो प्रबन्धक महोदय पुलिस बुलाते है.

ब.प्र. – जब प्रबन्धक महोदय ने आश्वासन दिया कि निलंबन आदेश वापस लिया जा रहा तो आप लोगों ने क्या किया ?

ब.ग.2 – हमलोगों का जो मामला था सलट गया तो हमलोग अपने सेक्शनों में चले गये.

ब.प्र. – आप लोग वहाँ से कब वापस गये ?

ब.ग.2 – 12.15 के आसपास.

ब.प्र. – धन्यवाद पाण्डेय जी.

जां.अ. – जाँच की कार्रवाई समाप्त की जाती है. जाँच की अगली तिथि 11.11.1986 को होगी.

(अवलोक प्रसाद)
जाँच अधिकारी

(ए.के.बोस)
प्रस्तुतकर्ता अधिकारी

(ए.के.ओझा)
बचाव प्रतिनिधि

(रामेश्वर पाण्डेय)
बचाव गवाह सं.2

(बीरेन्द्र कुमार सिंह)
आरोपित कर्मचारी

दी.

श्री बीरेन्द्र कुमार सिंह, संयुक्त संर्का श्रेणी-II के विरुद्ध आरोप-पत्र संख्या एमजीआर.4596/22§2§-84-85 दिनांक 2 अप्रैल 1985 द्वारा लगाये गये आरोप के संबंध में दिनांक 3 अक्तूबर 1986 को हुई जाँच की कार्यवाही

समय - 11.00 बजे पूर्वाह्न

स्थान- जाँच अधिकारी का कक्ष

श्री आलोक प्रसाद	- जाँच अधिकारी	= जा.अ.
" ए.के.बोस	- प्रस्तुतकर्ता अधिकारी	= प्र.अ.
" ए.के.ओझा	- बचाव प्रतिनिधि	= ब.प्र.
" श्यामश्याम पाण्डेय	- बचाव गवाह सं.1	= ब.ग.1
" बीरेन्द्र कुमार सिंह	- आरोपित कर्मचारी	= आ.क.

जा.अ. - जाँच की कार्रवाई शुरू की जाए. प्रस्तुतकर्ता अधिकारी से निवेदन है कि ~~xxxxx~~ बचाव गवाह सं.1 श्री श्यामश्याम पाण्डेय का प्रतिपरीक्षण प्रारंभ करें.

प्र.अ., ब.ग.1 से - आप अपना परिचय दें.

ब.ग.1 - मेरा नाम श्यामश्याम पाण्डेय है. मैं भारतीय रिजर्व बैंक,पटना के कार्यालय में नकदी विभाग के अनुभाग"ए" में सिक्का/नोट परीक्षक श्रेणी-I के पद पर कार्यरत हूँ.

प्र.अ. - पाण्डेय जी, दिनांक 30 सितम्बर 1986 को जाँच कार्यवाही में अपने बयान के दौरान आपने बताया कि 8 फरवरी 1985 को आप 9.40 से 9.50 के बीच बैंक आये और अनुभाग"ए" में कार्यरत थे. क्या यह सही है ?

ब.ग.1 - हाँ.

प्र.अ. - उस दिन श्री बीरेन्द्र कुमार सिंह भी क्या अनुभाग"ए" में ही थे ?

ब.ग.1 - नहीं.

प्र.अ. - क्या आपको इस बात कीजानकारी है कि श्री बीरेन्द्र कुमार सिंह उस दिन किस अनुभाग में काम कर रहे थे ?

ब.ग.1 - प्रबन्धक अनुभाग से लौटने के बाद जब हम लोग अनुभागों में लोगों से अंदर आने का अनुरोध कर रहे थे उस समय श्री बीरेन्द्र कुमार सिंह अनुभाग"डी" में थे.

प्र.अ. - उस दिन जब श्री ए.के.ओझा अनुभाग में आये और बताये कि उनका निलंबन हो गया, तो आपने क्या किया ?

ब.ग.1 - श्री ए.के.ओझा के आने के पहले ही टेलिफोन से निलंबन की सूचना मिल गयी थी. श्री ओझा जी के अनुभाग में आने के बाद उनके साथ अनुभाग से बाहर गये.

प्र.अ. - अनुभाग से बाहर आने के बाद आपने क्या किया ?

ब.ग.1 – श्री ओझा जी के साथ पश्चिमी दरवाजे के पास गये.

प्र.अ – आप क्या वहाँ रुक गये ?

ब.ग.1 – वहाँ कुछ देर रुके. वहाँ पर श्री के.के.द्विवेदी, भरत सिंह, रामेश्वर पाण्डेय निलंबन के बारे में ही बातचीत कर रहे थे.

प्र.अ. – उसके बाद आपने क्या किया ?

ब.ग.1 – फिर हमलोग वहाँ से उनलोगों के साथ प्रबन्धक अनुभाग में निलंबन का कारण पता लगाने के लिए आये.

प्र.अ. – पाण्डेय जी, आप यह बतायें कि उनलोगों से आपका मतलब किन लोगों से है ?

ब.ग.1 – उनलोगों से मेरा मतलब है श्री के.के.द्विवेदी, भरत सिंह, रामेश्वर पाण्डेय और अरुण कुमार ओझा.

प्र.अ. – जिस वक्त इन लोगों के साथ प्रबन्धक अनुभाग में आये वहाँ कौन-कौन मौजूद थे? उनके अलावे जो प्रबन्धक अनुभाग में कार्यरत हैं ?

ब.ग.1 – उनके अलावे हमलोग 5 आदमी थे.

प्र.अ. – आप 5 के अलावे, प्रबन्धक अनुभाग में जो कार्यरत नहीं हैं ऐसे और कोई स्टाफ वहाँ नहीं थे उस वक्त ?

ब.ग.1 – नहीं.

प्र.अ – प्रबन्धक अनुभाग में आने के बाद आपने क्या देखा ?

ब.ग.1 – वहाँ भी स्थिति सामान्य थी. स्टाफ अधिकारी(भर्ती)के पास भी कोई नहीं था. ओझा जी आगे-आगे चल रहे थे. हमलोगों को देखकर श्री लाल साहब कुर्सी से घबड़ाकर उठे और गिर पड़े फिर संभल कर उठे और लपककर प्रबन्धक कक्ष में चले गये.

प्र.अ. – आप से पाण्डेय जी हम यह जानना चाहेंगे कि स्थिति सामान्य होने के बावजूद आपलोगों को देखकर श्री लाल साहब घबराहट में क्यों उठे ?

ब.ग.1 – यह तो वेहतर बता सकते हैं.

प्र.अ. – घबराहट में उठने के दौरान वे कैसे गिरे इस विषय में आप कुछ बतायेंगे ?

ब.ग.1 – कैसे गिरे इसका सही कारण हम नहीं बता सकते. हो सकता है कि उठने के क्रम में कुर्सी से पैर फँस गया हो.

प्र.अ. – गिरने के वजह से श्री लाल साहब को चोट तो आयी होगी ?

ब.ग.1 – हमने कोई चोट नहीं देखा. गिरने के बाद से संभल कर उठे और प्रबन्धक कक्ष में चले गये.

प्र.अ. – जब श्री लाल साहब गिर पड़े तो उनको बचाने या संभालने के लिए कोई आया ?

ब.ग.1 – नहीं.

प्र.अ. – आपलोगों को प्रबन्धक अनुभाग में आने और श्री लाल साहब को प्रबन्धक कक्ष में जाने के बीच कितना समय लगा होगा ?

ब.ग.1 - 10.25 से 10.30 के आसपास हमलोग आये थे. करीब 5 मिनट समय लगा होगा.

प्र.अ. - अपने 30.9.86 के बयान में आपने यह कहा है कि पहली बार प्रबन्धक अनुभाग से आप लौटकर अपने विभाग में आये और अपने साथियों को प्रबन्धक कक्ष के सामने चलने का अनुरोध किया. यह अनुरोध आपने सिर्फ अनुभाग"ए" के कर्मचारियों से किया या नकदी विभाग के सभी अनुभागों में गये ?

ब.ग.1 - हमलोग सभी अनुभागों में घूमकर लोगों से अनुरोध करने लगे.

प्र.अ. - उस दिन इस घटना के दौरान श्री एस.के.चक्रवर्ती,सहायक सुरक्षा अधिकारी को पहली बार आपने कहाँ देखा ?

ब.ग.1 - दूबारा जब हमलोग लगभग 11.15 बजे प्रबन्धक कक्ष के सामने आये तो वहाँ पर चक्रवर्ती साहब को देखा.

प्र.अ. - यही सवाल हम आपसे आरोपित कर्मचारी श्री बीरेन्द्र कुमार सिंह के विषय में भी कहनाचाहेंगे ?

ब.ग.1 - श्री बीरेन्द्र कुमार सिंह को सबसे पहले अनुभाग"डी" में देखा.

प्र.अ. - जिस वक्त आप श्री बीरेन्द्र कुमार सिंह को पहली बार अनुभाग"डी" में उस दिन देखा उस वक्त समय क्या रहा होगा ?

ब.ग.1 - समय लगभग 10.45 के आसपास रहा होगा.

प्र.अ. - धन्यवाद पाण्डेय जी, अब आपसे मुझे कुछ नहीं पूछना है.

जाँ.अ. - जब आप प्रबन्धक अनुभाग में निलंबन के संबंध में जानकारी प्राप्त करने गये वहाँ किसी से कुछ बातचीत किये ?

ब.ग.1 - वहाँ किसी से बातचीत नहीं हुई. श्री ओ.पी.ब्रह्मचारी,स्टाफ अधिकारी भी श्री लालजी के पीछे-पीछे प्रबन्धक कक्ष में चले गये. फिर कोई अधिकारी वहाँ नजर नहीं आये जिसके कारण पता नहीं चल सका, और हमलोग वापस चले आये.

जाँ.अ. - पाण्डेय जी, आप यह बतायें कि जब आपलोग श्री लाल साहब को गिरते हुए देखा तो उनके गिरने के बारे में विस्तृत सूचना दे सकते हैं ?

ब.ग.1 - विस्तृत सूचना ध्यान में नहीं है.

जाँ.अ. - आप यह बता सकते हैं कि वे मुँह के बल गिरे की नहीं ?

ब.ग.1 - मुँह के बल नहीं गिरे.

जाँ.अ. - पाण्डेय जी को धन्यवाद.

जाँच की कार्रवाई स्थगित की जाती है. जाँच की अगली तिथि 14 अक्तूबर 1986 को 11.00 बजे पूर्वाह्न में निश्चित की जाती है.

बचाव प्रतिनिधि श्री ओझा जी से अनुरोध है कि वेअपने दूसरे गवाह का नाम बता दें ताकि अगली तिथि को उन्हें जाँच के समक्ष उपस्थित होने की व्यवस्था की जा सके.

ब.प्र. - मैं अपने दूसरे गवाह का नाम 2-4 दिनों के बाद बता दूँगा.

§आलोक प्रसाद§
जाँच अधिकारी

§ए.के.बोस§
प्रस्तुतकर्ता अधिकारी

§ए.के.ओझा§
बचाव प्रतिनिधि

§घनश्याम पाण्डेय§
बचाव गवाह सं.1

§बीरेन्द्र कुमार सिंह§
आरोपित कर्मचारी

दी.

श्री वीरेन्द्र कुमार सिंह, संयुक्त संकर्म लिपिक श्रेणी II के विरुद्ध आरोप पत्र संख्या एमजीआर.4596/22§2§-84/85 दिनांक 2 अप्रैल 1985 के द्वारा लगाये गये आरोप के संबंध में दिनांक 30 सितम्बर 1986 को हुई जाँच की कार्यवाही.

समय - 3.00 बजे अपराह्न
स्थान - जाँच अधिकारी कक्ष

श्री आलोक प्रसाद	- जाँच अधिकारी	= जाँ.अ.
" ए.के.बोस	- प्रस्तुतकर्ता अधिकारी	= प्र.अ.
" ए.के.ओझा	- बचाव प्रतिनिधि	= ब.प्र.
" घनश्याम पाण्डेय	- बचाव गवाह सं.1	= ब.ग.1
" वीरेन्द्र कुमार सिंह	- आरोपित कर्मचारी	= आ.क.

जाँ.अ. - जाँच की कार्यवाई शुरू की जाती है. बचाव प्रतिनिधि श्री ओझा जी से निवेदन है कि वे अपने पहले गवाह का परीक्षण करें.

ब.प्र. - मैं आज परीक्षण के लिए अपना प्रथम गवाह आपके समक्ष प्रस्तुत कर रहा हूँ.

ब.प्र.,
ब.ग.1 से - इस सम्बन्ध में सर्वप्रथम आप अपना परिचय दीजिए.

ब.ग.1 - मेरा नाम घनश्याम पाण्डेय है. मैं भारतीय रिजर्व बैंक, पटना के कार्यालय में सिक्का/नोट परीक्षण श्रेणी II के पद पर कार्यरत हूँ.

ब.प्र. - क्या आप दिनांक 8 फरवरी 1985 को बैंक में उपस्थित थे ?

ब.ग.1 - हाँ.

ब.प्र. - आप उस दिन कितने बजे बैंक आये थे ?

ब.ग.1 - प्रायः पूर्वाह्न 9.40 से 9.50 के बीच आता हूँ, उस दिन भी उसी बीच आया था.

ब.प्र. - आप उस दिन कहाँ कार्यरत थे ?

ब.ग.1 - अनुभाग "ए" में.

ब.प्र. - बैंक आने पर आपको कुछ असामान्य स्थिति का पता चला ?

ब.ग.1 - नहीं, कोई असामान्य स्थिति नहीं थी.

ब.प्र. - बाद में आपको कुछ असामान्य स्थिति का पता चला ?

ब.ग.1 - उस दिन मैं टेबुल सहायक के रूप में कार्यरत था. करीब 10.15 बजे कोषागार अनुभाग से टेलिफोन आया कि श्री अरूण कुमार ओझा को हाजिरी नहीं बनाने दिया जाए, क्योंकि उनका निलंबन हो गया है. लेकिन वे पहले ही अपनी हाजिरी बना चुके थे.

ब.प्र. - तो कोषागार अनुभाग से टेलिफोन आने से आपको असामान्य स्थिति का पता चला ? तो आप पर उसकी क्या प्रतिक्रिया हुई ?

ब.ग.1 - जब मुझे कोषागार अनुभाग से सूचना मिली तो मैं सुनकर अचम्भित रह गया.

ब.प्र. - आपको जब इस असामान्य स्थिति का पता चला तो आपने क्या किया ?

ब.ग.। - सूचना मिलने के बाद तुरंत श्री अरूप कुमार ओझा भी सेक्शन में आ गये और बताया कि उनका निलम्बन हो गया है, इसलिए उन्होंने बाहर आने को कहा.

ब.प्र. - आप अपने सेक्शन से निकलकर कहाँ गये ?

ब.ग.। - पश्चिम की ओर स्टाफ प्रवेश द्वार के पास गया.

ब.प्र. - आपके साथ सेक्शन से और कौन लोग गये ?

ब.ग.। - सेक्शन से श्री अरूप कुमार ओझा साथ गये.

ब.प्र. - तो सेक्शन से निकलने के बाद आप पश्चिम दरवाजे की सीढ़ी के पास गये. वहाँ से कहाँ गये ?

ब.ग.। - वहाँ सर्वश्री के.के. द्विवेदी, भरत सिंह, रामेश्वर पाण्डेय निलंबन के संबंध में बातचीत कर रहे थे. उसके बाद वहाँ से प्रबंधक अनुभाग गये.

ब.प्र. - आपके साथ प्रबंधक अनुभाग में और कौन-कौन लोग गये ?

ब.ग.। - हमारे साथ श्री अरूप कुमार ओझा, के.के. द्विवेदी, भरत सिंह, रामेश्वर पाण्डेय प्रबंधक अनुभाग आये.

ब.प्र. - आपको ठीक से याद है कि आपलोग पिछली सीढ़ी से ही आये थे ?

ब.ग.। - हाँ, पिछली सीढ़ी से ही आये थे.

ब.प्र. - आपलोग जब प्रबंधक अनुभाग में आये तो उस समय लगभग क्या समय हुआ होगा ?

ब.ग.। - समय करीब-करीब 10 बजे कर 25-30 मिनट के लगभग हुआ होगा.

ब.प्र. - आपके साथ प्रबंधक अनुभाग के अन्दर कौन-कौन लोग गये ?

ब.ग.। - हमलोग साथ आये थे वे सभी लोग अन्दर गये.

ब.प्र. - आपलोग प्रबंधक अनुभागमें क्यों गये ?

ब.ग.। - वहाँ हमलोग पता लगाने के लिए गये कि श्री ओझा जी का निलंबन क्यों हुआ.

ब.प्र. - प्रबंधक अनुभाग में आपने क्या देखा ?

ब.ग.। - वहाँ भी असामान्य स्थिति नहीं थी, सामान्य स्थिति थी.

ब.प्र. - प्रबंधक अनुभाग में जाने पर आपको कुछ पता चला ?

ब.ग.। - नहीं.

ब.प्र. - वहाँ आपने क्या देखा ?

ब.ग.। - वहाँ हमलोग जितने थे सब अन्दर गये तो श्री ओझा जी को देखकर श्री लाल साहब कुर्सी से घबड़ाकर उठे. उठने के क्रम में गिर पड़े फिर संभलकर उठे और प्रबंधक कक्ष में लपक कर चले गये. उनके पीछे श्री ओ.पी. ब्रह्मचारी भी गये.

ब.प्र. - उसके बाद आपने क्या किया ?

ब.ग. - उसके बाद वहाँ से हमलोग सेक्शन में चले आये.

ब.प्र. - जब आप प्रबंधक अनुभाग में गये तो क्या उस समय आपके साथ श्री वीरेन्द्र कुमार सिंह भी थे ?

ब.ग.। - नहीं.

ब.प्र. - जब आपलोग प्रबंधक अनुभाग में थे तो उस समय या वहाँ से लौटते समय कोई नारा लगा रहे थे ?

ब.ग.। - नहीं.

ब.प्र. - आपलोग जब प्रबंधक अनुभाग में थे तो उस समय क्या श्री एस.के.चक्रवर्ती, सहायक सुरक्षा अधिकारी वहाँ उपस्थित थे ?

ब.ग.। - नहीं.

ब.प्र. - जब श्री एम.एम.लाल अपनी सीट से उठने के बाद गिरे और फिर तेजी से प्रबंधक कक्ष की ओर को गये तो उस समय आपने उनके शरीर पर कोई चोट या खून देखा ?

ब.ग.। - नहीं.

ब.प्र. - प्रबंधक अनुभाग से बाहर निकलने के बाद आपलोग कहाँ गये ?

ब.ग.। - हमलोग सेक्शन में गये.

ब.प्र. - आपलोग सेक्शन में क्यों गये ?

ब.ग.। - सेक्शन में अन्य कर्मचारी लोग थे. निलंबन की बात सभी जगह फैल गयी थी. उसके बाद हमलोगों ने साथियों से प्रबंधक कक्ष के सामने चलने का अनुरोध किया.

ब.प्र. - इस पर लोगों की क्या प्रतिक्रिया हुई ?

ब.ग.। - सभी लोग वहाँ से प्रबंधक कक्ष की ओर जाने के लिए तैयार हो गये और धीरे-धीरे जमा होने लगे, फिर प्रबंधक कक्ष के पास आये.

ब.प्र. - उस समय तक क्या अनुभाग में सील नहीं बँटा था ?

ब.ग.। - सील बँट गया था.

ब.प्र. - तो क्या लोग सील जमा करके बाहर आये ?

ब.ग.। - हाँ.

ब.प्र. - अनुभाग में लगभग कितने बजे सील बँटता है ?

ब.ग.। - पूर्वाह्न 10.45 के आसपास.

ब.प्र. - जब सारे कर्मचारी अनुभाग से निकलकर प्रबंधक कक्ष के पास आये तो वे लोग किस रास्ते से ऊपर आये ?

ब.ग.। - पश्चिम दरवाजे वाले सीढ़ी से आये, कोई वहीं से लिफ्ट से भी आये.

ब.प्र. - जब आपलोग दूबारा सभी कर्मचारी के साथ प्रबंधक कक्ष के पास जमा हुए तो उस समय कितना बजा होगा ?

ब.ग.। - लगभग 11.15 बजा होगा.

ब.प्र. - उस समय क्या आपलोग कोई नारा लगा रहे थे ?

ब.ग.। - हाँ.

ब.प्र. - क्या नारा था ?

ब.ग.। - "निलंबनआदेश वापस लो", "बैंक कर्मचारी एकता - जिन्दाबाद".

ब.प्र. - आपलोग जब प्रबंधक कक्ष के समीप गये तो उस समय लगभग कितने लोग होंगे ?

ब.ग.। - पूरा भरा हुआ था. उनकी संख्या बताना मुश्किल है.

ब.प्र. - जब आपलोग वहाँ नारा लगा रहे थे तो प्रबंधक कक्ष के द्वार पर कोई थे क्या ?

ब.ग.। - सहायक सुरक्षा अधिकारी श्री एस.के.चक्रवर्ती थे.

ब.प्र. - और कोई थे ?

ब.ग.। - शायद अवधाक भी थे.

ब.प्र. - आपलोग प्रबंधक कक्ष के अन्दर भी गये ?

ब.ग.। - नहीं.

ब.प्र. - कुछ नेता लोग अन्दर गये थे क्या ?

ब.ग.। - एसोसिएशन के नेता लोग गये थे.

ब.प्र. - उस समय क्या वहाँ पुलिस भी आई थी ?

ब.ग.। - नारा लगाने के 10-15 मिनट बाद पुलिस आई थी.

ब.प्र. - क्या बता सकते हैं कि पुलिस क्यों बुलाई गयी थी ?

ब.ग.। - नहीं. हमलोग क्या बता सकते हैं.

ब.प्र. - प्रबंधक कक्ष के सामने से आपलोग फिर कब वापस x गये ?

ब.ग.। - करीब 12.00 बजे.

ब.प्र. - उस समय तक क्या निलंबन वापस हो गया था ?

ब.ग.। - उस समय एसोसिएशन के नेता सूचना दिये कि निलंबन आदेश वापस हो गया है, आपलोग सेक्शन में जाकर काम करें.

ब.प्र. - उसके बाद आपलोग सेक्शन में चले गये.

ब.ग. - हाँ.

ब.प्र. - अब मुझे पाण्डेय जी के कुछ नहीं पूछना है. धन्यवाद पाण्डेय जी.

जाँ.अ. - क्या प्रस्तुतकर्ता अधिकारी श्री पाण्डेय जी का प्रतिपरीक्षण अभी करना चाहेंगे ?

प्र.अ. - आज श्री पाण्डेय जी का परीक्षण हुआ है. आज की कार्यवाही की प्रति उपलब्ध हो जाने के बाद अगली तिथि को मैं इनका प्रतिपरीक्षण करना चाहूँगा.

जाँ.अ. - आज की कार्रवाई स्थगित की जाती है. जाँच की अगली तिथि 3 अक्तूबर 1986 को पूर्वाह्न 11.00 बजे निश्चित की जाती है.

(आलोक प्रसाद)
जाँच अधिकारी

(ए.के.बोस)
प्रस्तुतकर्ता अधिकारी

(ए.के.ओझा)
बचाव प्रतिनिधि

(रामश्याम पाण्डेय)
बचावी गवाह सं.1

(वीरेन्द्र कुमार सिंह)
आरोपित कर्मचारी

ज.सिंह.

Proceedings of the oral enquiry conducted on 24th September 1986 into the charges framed against Shri Virendra Kumar Singh, Clerk/Coin-Note Examiner Grade II, vide Charge-sheet No. MGR.4597/22(2)-84/85 dated 2nd April 1985

PRESENT

1. Shri Alok Prasad	:	Enquiry Officer (EO)
2. " A.K. Bose	:	Presenting Officer (PO)
3. " Virendra Kumar Singh	:	Charge-sheeted employee (CSE)
4. " A.K. Ojha	:	Defence Representative (DR)

- -

EO : Let us start the enquiry proceedings. As desired by the DR, the Seal Register of Section 'D' (Table No.3) is herewith made available and may kindly be perused by him and the CSE.

(The DR and the CSE perused the Register).

DR : I have perused the Seal Register of Table No.3 of Section 'D' and one thing more which I demanded of the management was the written statement submitted by Shri S.K. Chakravarty, ASO on 8th February 1985 to the Bank about the reported incident is yet to be made available to me.

EO : Requisite efforts for obtaining the statement dated 8th February 1985, purportedly submitted by Shri Chakravarty to the Bank, were made. It is understood that no such written statement is available. As will be appreciated, a statement which is not available, cannot be shown to the DR/CSE. I would, therefore, request the DR to proceed further and start the examination-in-chief of the defence witness.

DR : Here I submit that either Shri S.K. Chakravarty, ASO had falsely deposed before the enquiry during his examination-in-chief that he had submitted a report about the reported incident on 8th February 1985 or the Bank is hiding the said statement with a motivated intention to conceal the truth.

EO : (To PO) Would you like to say anything on this?

PO : I would request the DR to show me where Shri Chakravarty stated that he made a written report to the Bank about the incident on 8th February 1985.

DR : During the enquiry conducted on 28th January 1986 in the case of Shri Sheojee Singh, the PO had asked to MW-II viz., Shri S.K. Chakravarty, "Did you make any report to the Bank?" MW-II replied, "Yes, later on, I reported to the Staff Section about the incident on 8th February 1985" (Page No.2 of the proceedings). During cross-examination in the enquiry session held on 7th February 1986, I had requested the Enquiry Officer to make available the written report submitted by Shri Chakravarty on 8th February 1985 to the Bank before the start of cross-examination. The PO and EO both expressed the view that "Only the witness himself can properly clarify the position and the question may be put to him during the cross-examination" (Page No.1 of the proceedings).

During the cross-examination in the enquiry session held on 8th February 1986, I put a question to Shri Chakravarty, "Mr. Chakravarty, the report submitted by you about the incident was in writing or was it just a verbal report?" MW-II, Shri Chakravarty, answered, "It was in writing" (Page No.4 of the proceedings).

Here, I want to make it very clear that a written report dated 9th February 1985 submitted by Shri Chakravarty to the Bank was already made available to me at the initial stage of the enquiry. So, the question under reference was clearly regarding the written report submitted by Shri Chakravarty about the reported incident on 8th February 1985, in reply to which, Shri Chakravarty has very emphatically said that the report was in writing. So, in the light of foregoing, it is very obvious that a written report was submitted by Shri Chakravarty to the Bank on 8th February 1985. Now, if the Bank denies having any such report, then only two things can happen, either Mr. Chakravarty has falsely deposed before the enquiry or the Bank does not want to show the written statement of Shri Chakravarty dated 8th February 1985 before the enquiry.

EO : (To PO) Do you have anything to say?

PO : MW-II has truthfully deposed before the enquiry when he said that he had made a written report to the Bank about the incident which took place on 8th February 1985. The question which was put to him by the DR in this regard in course of the cross-examination did not specify the date of report. During the examination and the cross-examination of Management Witness No.II, this issue was discussed and I have repeatedly indicated that Management Witness No.II althrough talked about the report which he made to the Bank on 9th February 1985. I would also like to mention that all papers and particulars pertaining to this incident have been shown/given to me for the purpose of this enquiry. There is no report of Shri Chakravarty submitted to the Bank on 8th February 1985.

EO : Does the DR have anything more to say on this?

DR : I have already expressed my views and have nothing more to add. I leave it to the decision of the EO.

EO : I have already made clear that the report dated 8th February 1985, purportedly given by Shri Chakravarty, is not available. The PO has also just now clarified that no such report is with him or being used for proving the charges. Thus, we need not dwell further on this issue and should proceed with the enquiry. The DR may now take up the examination-in-chief of the defence witness.

DR : In the next session of enquiry I shall begin examination-in-chief of the defence witnesses. In the next session, I would like to present Shri Ghanshyam Pandey as my first witness. So, I request that, accordingly, a notice may be issued to Shri Pandey, Coin/Note Examiner Grade II, for the purpose.

EO : The next session of the enquiry will be held on 30th September 1986.

(Virendra Kumar Singh)	(A.K. Ojha)	(A.K. Bose)	(Alok Prasad)
Charge-sheeted employee	Defence Representative	Presenting Officer	Enquiry Officer

Dated: 24th September 1986.

na:

Proceedings of oral enquiry conducted on 19th August '86 against Shri Virendra Kumar Singh, as per charges framed against him vide charge-sheet No MGR.4597/22(2)-84/85 dated 2nd April '85

PRESENT:

1. Shri Alok Prasad, Enquiry Officer, (EO)
2. " A.K. Bose, Presenting Officer (PO)
3. " Virendra Kumar Singh, Charge-sheeted Employee (CSE)
4. " A.K. Ojha, Defence Representative (DR)

EO: Let us start the enquiry proceedings. During the last session of the enquiry the DR had requested for certain documents for the purpose of his defence. The documents/registers as detailed below, have been shown to the DR and CSE:-

i) Attendance Register (Manager's Section)
ii) Attendance Register of Cash Section 'B' and 'D'
iii) Staff Rotation Register of Cash Section 'B'
iv) Seal Register of Cash Section 'D' (5 volumes)

As regards the written statement dated 8/2/85 perportedly submitted by Shri S.K. Chakraborty, ASO, this has as yet not been made available. I will now request the DR to take up the presentation of his witnesses.

DR: The documents viz. 2 Seal Registers of Cash Section 'D' numbering 3 and 7 and written statement reportedly submitted by Shri S.K. Chakraborty, ASO about the alleged incident on 8th February '85, have not been provided. If the above mentioned documents are provided to me well before the start of the next session of the enquiry, I shall be in a position to present the defense witness.

EO: The Seal Register Nos.3 and 7 will be arranged for and shown to the DR/CSE. As regards the written statement purportedly submitted by Shri S.K. Chakraborty, ASO on 8th February '85, the same can be made available only if it is on Bank's record. This may please be noted by the DR. Meanwhile, I would request the DR to name the witness whom he proposes to call so that necessary advices can be issued in time.

DR: I shall intimate you well in advance.

EO: Let us close to-day's enquiry proceedings.

(Virendra Kumar Singh)
Charge-sheeted Employee

(A.K. Ojha)
Defence Representative

Date:

(A.K. Bose)
Presenting Officer

(Alok Prasad)
Enquiry Officer

Proceedings of enquiry conducted in-to the charges against Shri V.K. Singh, CNE Gr II as per charge-sheet No MGR.4597/22(2)-84/85 dated 2nd April '85 held at the Sitting Room adjoining Officers Lounge on 18th July 1986

PRESENT

1. Shri Alok Prasad, Enquiry Officer (EO)
2. " A.K. Bose, Presenting Officer (PO)
3. " A.K. Ojha, Defence Representative (DR)
4. " V.K. Singh, Charge-sheeted Employee (CSE)

EO: Let us start the enquiry proceedings. The DR is requested to let me have his list of witnesses.

DR: Sir, though on the strength of witnesses or documents presented by the management before this enquiry it has become very clear that the charge framed against Shri V.K.Singh is baseless and motivated, even then I am furnishing an interim list of witnesses before this enquiry to further prove the innocence of the concerned employee. I am also submitting a list of Registers or documents which I need for my perusal before starting the defence proceedings. Here, I want to make it clear that I reserve the right to make further additions in the list of witnesses or documents.
(A list in duplicate handed over to EO and one copy was given to PO)

EO: Would the PO like to take up his summation at this stage or not?

PO: Sir, although I had agreed to submit my summation to the enquiry today I have since given more thought to it and decided to give my summing up report only on conclusion of examination and cross-examination of defence witnesses. I also mention that this is the correct procedure to be followed in this regard as set out in page 91 para 3 of S.K. Datta's book entitled "Guide to Disciplinary Action."

EO: Would the DR like to say anything?

DR: Sir, at this stage I have nothing more to add but what I actually feel is this, that it was decided by you in the previous session of the enquiry and was also agreed by the P.O. that he will make his final summation in this session of enquiry. Here, I would like to add that the responsibility of proving the charges lie on the management and management should prove the charges on the strength of its own witnesses and not on the strength of defence witnesses. So, if the PO will be allowed to make his summation at the concluding stage of the enquiry then definitely it will be advantageous for the management and the charge-sheeted employee will be placed in a disadvantageous position and it will be a clear case of denial of natural justice to him. So I await your ruling.

.....2

EO: Would the PO like to add anything to what has been stated here.

PO: No sir.

(EO called for the Book and perused the relevant paragraphs)

EO: I have carefully gone through the paras indicated by the PO and have also given due thought to what has been stated by the DR. The basic position is that if there is a well accepted procedure specifically laid down, it should be followed. It would not be in order for me to go against the well laid-down procedures which, quite naturally, would be taking all aspects into account, including principles of natural justice. Thus, the PO may, in accordance with accepted procedure, make his summation at the concluding stage of the enquiry, i.e. after examination and cross-examination of defence witnesses has been completed. I would here like to assure the DR and the CSE that they will not be put into a disadvantageous position by the adoption of standard procedures and principles of natural justice will be fully followed.
Let us now close today's proceedings and the next date of enquiry will be advised in due course.

(A.K. Ojha)	(V.K. Singh)	(A.K.Bose)	(Alok Prasad)
Defense Representative	Charge-sheeted Employee	Presenting Officer	Enquiry Officer

Date:

Proceedings of the oral enquiry conducted on 15th July 1986 against Shri Virendra Kumar Singh, as per charges framed against him vide charge-sheet No.MGR.4597/22(2)-84/85 dated 2nd April 1985.

P R E S E N T

Shri	Alok Prasad	: Enquiry Officer(EO)
"	Virendra Kumar Singh	: Charge-sheeted Employee(CSE)
"	A.K. Ojha	: Defence Representative(DR)
"	A.K. Bose	: Presenting Officer(PO)

E.O. : Let us start Enquiry Proceedings. During the last session of the enquiry, held on 28th May 1986, the cross-examination of Management Witness No.4 had been completed. Would the P.O. like to present any witness during this session?

P.O. : I do not intend to present any more witnesses in this case. In the case of charge-sheet framed against Shri Virendra Kumar Singh, my examination of witnesses may please be treated as closed.

E.O. : Since the P.O. has completed the presentation of his witnesses, I would request the DR to let me have a list of his witnesses so that the enquiry may proceed further.

D.R. : Sir, I would request you to let the Presenting Officer make his final submission from the prosecution side and then only I will be in a position to furnish the Defence Witnesses.

E.O. : For the present, I am only asking for a list of prospective witnesses from the defence side. This list, in fact, should have been furnished at the commencement of the enquiry. The final submission will, of course, be made by the P.O.

D.R. : Sir, I have not prepared the list of defence witness till now. I will submit it later on.

E.O. : Would the P.O. like to make his submission right now ?

P.O. : I will do it in the next session of the enquiry.

E.O. : Let us close to-day's (15.7.1986) proceedings. During the next session the DR may kindly give the list of Defence Witnesses.

D.R. : I will try my best to submit the list.

E.O. : The next session of the enquiry will be held on Friday, the 18th July 1986 at 11-30 AM at the same place.

(Alok Prasad) Enquiry Officer. 15.7.86

(V.K.Singh) Charge-sheeted Employee

(A.K.Ojha) Defence Representative.

(A .K. Bose) Presenting Officer. 15.7.1986

s.

Proceedings of enquiry conducted into the charges framed against Shri V.K.Singh, CNE Gr.II, as per chargesheet No. MGR.4597/22(2)-84/85 dated 2.4.85 held in the Sitting Room adjoining Officers' Lounge on 20th May 1986 at 11.30 A

Present

1. Shri Alok Prasad, Enquiry Officer (EO)
2. Shri A.K.Bose, Presenting Officer (PO)
3. Shri A.K.Ojha, Defence Representative (DR)
4. Shri V.K.Singh, Charge-sheeted Employee (CSE)
5. Shri M.M.Lal, Management Witness No.4 (MW-4)

EO: Let us start the enquiry proceedings. The Defence Representative is requested to take up the cross-examination of management witness No.4, namely, Shri M.M.Lal.

DR to MW-4: Lal Saheb ! When did you join Patna Office of the Bank ?

MW-4: I joined Patna Office of the RBI in the month ofMay 1978.

DR: Please name the departments where you worked at Patna Office.

MW-4: During my first one year, I was on desk to desk training in all the departments except ECD for which I had to go to Calcutta Office of the RBI for about six weeks. Thereafter, I was posted as Leave Reserve of Manager's Section for about a month or so and I was put on Leave Desk as a Special Cell was created at that time also to dispose of some pending leave applications. In the meantime, I was sent to PDO against a leave-vacancy and there I worked on long term basis. In the month of September 1983, I was again transferred to Manager's Section and made incharge of Leave Cell. In the month of May 1985 I was transferred to Jaipur Office of the RBI from Manager's Section, RBI, Patna.

DR: Were there much work pending in the Leave Cell ?

MW-4: Yes, when I joined in the Leave Cell in September 1983, there were about 6400 leave applications lying pending and there was continuous inflow of about 700 applications per month which was adding to these arrears.

DR: So, it means that you were posted to the Leave Cell to clear the backlog. Is it true ?

MW-4: Yes, when I was posted, I was specifically told by the Manager that there was a huge arrear of leave applications and I should clear it as early as possible.

DR: You started regularising leave of all categories of staff, strictly, resulting in many cases of leave without pay,deferment of confirmation, denial of no objection certificate, etc and thus causing wide resentment among all x categories of staff. What you have to say regarding this ?

MW-4: Actually when I started regularising the leave applications, I devised certain systems which were got approved by the Manager, under which a planned strategy was adopted to note down the number of applications being disposed of by the existing staff per week and that was to be brought to the notice of higher officials from time to time. For 2/3 months we watched the situation but we were very disgusted to know that the output of the staff and inflow of the fresh applications were almost matching and we came to the conclusion that with this pace the arrears of applications would never be cleared. Therefore, in the month of January or February'84 we made fresh proposals to the Manager and requested for posting of more staff to Leave Section and we also suggested that all the paraphernalia of the Leave Cell may be taken to a specious place where all the staff members working in the Leave Cell would work in a planned way and clear applications most expeditiously as we were also realising that in the pending applications , huge amounts were involved which needed to be recovered from the employees. Accordingly, a large number of applications barring a few cases of chronic absenteeism were duly disposed of within 2/3 months. Out of those few cases some cases required to be referred to Central Office as the local Manager had no powers to sanction leave to them. That was also done subsequently and in this way the leave cell was brought upto date. Thereafter the staff Section and the Discipline Section etc started relying upon the leave records of the employees also to determine their eligibility for getting no objection certificate for outside employment or for confirmation of the employees, etc.

DR: Due to these actions on your part was wide resentment prevailing in all categories of staff ?

PO: What does the DR mean by asking Mr Lal that there was a resentment among the employees owing to certain actions on his part ? I would request the EnquiryOfficer to seek a clarification on this point. As has already been stated by Mr Lal he was asked by the Bank to perform certain functions and he did it the way the Bank wanted him to do it. So any action being levelled as "his" is unfair.

EO: Would the DR like to say anything on this ?

DR: Sir, in my view the question put to Mr Lal is very clear and needs no further clarification from my side. I am only trying to explore the prevailing situation at that time.

EO: Would the question put to the witness link with the issues pertinent to this enquiry ?

DR: Yes Sir.

EO: Since the DR intends to link up the question with the issue pertinent to this enquiry, the management witness may answer the question put by the DR.

MW-4: As you know, we are all employees of this institution and we are very much expected to carry out orders or instructions of the superior officers under whom we are placed for the time being. I, in the capacity of Staff Officer, Incharge of Leave Cell and who was given the responsibility to clear the pending leave applications, would have been never justified to refuse to carry out the orders. Moreover, I was the juniormost official in the heirarchy and as such it cannot be said that it was only my action to clear the applications. As regards the resentment etc prevailing among any categories of employees, if any, is a subjective charge and unless there is somewhat clear, written complaint etc , it is not fair to me if such an unreasonable accusation is directly linked to me.

DR: Lal Saheb, incidentally, I want to clarify that I am not accusing you unreasonably. Here, in the capacity of DR, I am just exploring the fact. So I would request you not to be harsh in your language please.

MW-4: I expressed this thing only because, resentment, phenomenon is very subjective and it depends upon the sensitivity of human minds. Such subjective charges are devoid of substance.

DR: O.K. It has been mentioned in the FIR lodged by the management on 8.2.85 that on 7.2.85 you were humiliated, intimidated or threatened by some employees of the Bank. I want to know how many employees threatened you that day ?

MW-4: In my view that formed a part of separate incident about which I had already lodged a report to the Bank.

DR: Please let us know the facts about the said incident because in your own opinion the incident of 7.2.85 is linked withthe said incident of the 8.2.85. So, I request you to please reply my question.

MW-4: I think, I have already said that,about that incident, I have given separate report and on that report some action was also taken by the Bank. Since that is not the subject matter of this enquiry I feel that it is better not to go into those details.

DR to EO: Sir, because, on the basis of documents placed before this enquiry and also on the basis of statement given by Mr M.M.Lal, in the previous session of the enquiry, it is very clear that the incident of 8.2.85 is linked with the incident of 7.2.85. So, I request you to please direct the management witness to answer my question.

(EO perused the FIR as also the proceedings of the previous enquiry).

EO: From the FIR dated 8.2.85 lodged by the Bank as also evidence recorded by Shri Lal earlier, it appears that there is some linkage between the incident occurring on 7.2.85 and the subject matter of this enquiry. Shri Lal is, therefore, requested to answer the question put by the DR, as he thinks best.

MW-4: On 7.2.85 when I was coming from the Personnel Officer's (P.O's) Chamber, I saw some employees coming to Manager's Section. They were about 20/30 or may be near about that,because as soon as I stopped at the Gate and started listening to them, P.O.also came on the scene and he advised me to go inside to my Desk. So, I cannot tell exact number of employees who came.

DR: What was the threatening ?

MW-4: They were threatening that I should be sent out of Leave Section and some slogans like "MM Lal - Murdabad".

DR: Were Shri V.K.Singh and Shri Sheoji Singh involved in the threatening ?

MW-4: On 7.2.85 in the crowd which was witnessed for a minute or two, I could not look at them or see their faces.

DR: Whether two employees other than V.K.Singh and Sheoji Singh were suspended on your recommendation.

MW-4: No, I did not make any recommendation that so and so action must be taken against the employees involved in the incident of 7.2.85 nor was it in my domain of authority to recommend any action. I simply reported as it had happened.

DR: Did you mention the names of some employees who threatened you on 7.2.85 in your report to the management ?

MW-4: I have mentioned the names of two employees and the words they have spoken.

DR: When the said group of employees threatened you on 7.2.85 did you anticipate any trouble for future ?

MW-4: After I reported the matter to the Bank it could be guessed that Bank may or may not take some action but whatever may be the action taken by the Bank it could never be expected by me that the employees instead of taking up the issues with the competent authorities, would come to my desk and do violence because the institution where we all work is having a high stature in the public eye and I was never expecting any physical violence from the employees against their colleagues who maybe superiors also.

DR: So, it means that you did not take the threatening given to you on 7.2.85 a serious matter ?

MW-4: I did take it seriously and therefore brought to the notice of the Manager also.

DR: Then, how you are telling here that you did not anticipate any trouble ?

MW-4: As you know, any organised group in the institution is having a number of democratically and legally recognised channels to ventilate their alleged grievance, if any, and as I have stated earlier also that violence is such a thing which normally cannot be anticipated from the employees who are very much civilised and therefore we did not anticipate any violence on person.

DR: Because the threatening was given to you personally on 7.2.85, so leaving aside physical violence did you anticipate any other sort of trouble ?

MW-4: Normally, there are recognised channels for settling the problems and while taking any action the management would have taken these things into consideration but I, as an employee did not have any serious trouble in view, particularly, when I was not the person who had either recommended or had taken any decision to issue suspension orders. I personally did not anticipate any big problem.

DR: It means that either you treated the threatening of 7.2.85 as a joke or you were so much confident to deal with any sort of trouble. Is it correct ?

MW-4: I did have the idea that if the Bank took any action on my report, there could be some protest from the employees in an accepted manner.

DR: On 8.2.85 a group of the employees as reported by you entered into the Manager's Section suddenly or one by one ?

MW-4: The members of the group were entering the Manager's Section Enclosure one by one in a rash manner.

DR: Whether the said group of employees came into the Section shouting any Slogan ?

MW-4: They were saying "Bahar Niklo", "Bahar Niklo".

DR: Was the group shouting slogan outside the Manager's Section ?

MW-4: The action of the two employees who assaulted me was so sudden that immediately on escorting me by the ASO I went to Manager's Chamber and therefore if some other employees started shouting at the gate of Manager's Section enclosure I am not aware.

DR: So, it means that you did not hear any slogan until the said group of employees entered into the Manager's Section. Is it true ?

MW-4: The action was so quick that simply some employees came rushing to my seat and subsequent incident occurred. Therefore, I did not hear any slogan before this group entered Manager's Section enclosure.

DR: How many employees entered into the Manager's Section shouting slogans ?

MW-4: About 7 or 8 persons.

DR: So, you saw 7 or 8 persons shouting slogans like Bahar Nikalo , Bahar Nikalo (sent him out) entering one by one into the Manager's Section. If employees entered one by one into the Manager's Section, so you must have seen all the employees shouting slogans and advancing towards you. Who were those employees ?

MW-4: As I have already stated that after entering into Manager's Section enclosure the leading employees Shri V.K.Singh and Sheoji Singh directly came rushing to my seat and started assaulting. I could look ~~into~~ at the faces of these two employees immediately but in the meantime the other remaining employees of the group were just obstructed in the way, I could not have full glance over them.

DR: Whether you saw 7 or 8 employees enterning one by one or not ?

MW-4: I saw them entering into Manager's Section enclosure casually on my right side when they were entering but not with the intention to recognise them.

DR: Were they came with masked faces ?

MW-4: I did not see any mask worn by them.

DR: Then how is it possible that you saw 7 or 8 persons entering one by one and did not recognise anyone except two ?

MW-4: Since the two persons came to my seat and gave an assault to me it was but natural that I did look at them with seriousness and the further proof is that when I looked at them just a second before the assault they could give blows on my left side of the face.

DR: So, it means that you did not look at 7 or 8 persons entering one by one into the Manager's Section properly.

MW-4: As is natural when the group enters the Chamber there is no question of fixing attention on them unnecessarily unless they came to my desk and did something.

DR: Were the employees shouting any slogan like "Lal ko Maro"?

MW-4: I did not hear any such slogan.

DR: Were the employees progressing towards you in an aggressive gesture as has been alleged in the Charge-sheet ?

MW-4: Yes. They were having aggressive posture in the sense that they, immediately after entering the Manager Section enclosure, were looking at me.

DR: Are you sure ? You saw properly coming them in an aggressive gesture ?

MW-4: Yes, I have told you they were in aggressive posture.

DR: Just now you have told that you did not look at them seriously. Then how can you say that they were approaching in an aggressive gesture ?

MW-4: When they started entering Manager's Section Chamber there was no question that I would have looked at them from the angle that they would really assault me. But when the two employees were about to assault me actually, I looked at them with serious mind.

DR: What anything other you mean by aggressive gesture ?

MW-4: I have not referred aggressive gesture but aggressive posture.

DR: Please differentiate between "aggressive gesture" and "aggressive posture".

MW-4: What I understand from the aggressive gesture is that they would have come gesticulating.

DR: And by aggressive posture ?

MW-4: Posture refers to "pose".

DR: It means that they were approaching towards you with the intention to beat you.

MW-4: Yes.

DR: What was your reaction ?

MW-4: My immediate reaction was that I looked at their faces and when they started assaulting me I got up from my seat.

DR: After that what did you do ?

MW-4: I was immediately escorted by Shri Chakraborty, ASO, after he removed the assaulters a bit far away.

DR: After comprehending very well the intention of the employees to beat you, why did not you run away ?

MW-4: I have already told number of times that it was so quick and rash action that there was no time even to run away.

DR: What is the distance between your table and the gate of the Manager's Section ?

MW-4: It might be about 10 to 15 feet away though we have never measured it.

DR: Where were the said group of employees when you first noticed ?

MW-4: I have indicated earlier also that they suddenly came rushing to my seat one by one. When two employees attacked me, the other members of the group were obstructed. Naturally, the remaining members of the group were in the Manager's Section.

DR: How much time the said group of assaulters must have taken in reaching your desk when you first noticed them.

MW-4: Just a few moments.

DR: Then how it is possible that you counted 7 or 8 employees entering into the Manager's Section one by one and some of them being obstructed in the midway, only in a few moments ?

MW-4: I did not count them at all numerically.

DR: So you are not sure whether the number was 7 or 8 or more or less than that.

MW-4: It may be. It cannot be exactly 7 or 8. But it is an idea.

DR: How you make this idea ? What was the basis ?

MW-4: Because when I was taken to the Manager's Chamber from my seat it was a scene of scuffle between 10 to 15 people who were stopping their approach to my seat.

DR: Who were the employees obstructing the way of assaulters ?

MW-4: They were from the Manager's Section staff and probably some outside staff also who might have come to avert the trouble but I did not stop in the way while coming to Manager's Chamber. I did not pay particular attention to that scene.

DR: Then how you are saying that there were 10 or 15 people ?

MW-4: I am telling that it was a group scuffle.

DR: The number you did not count.

MW-4: No.

DR: It means that just now in this enquiry you have falsely deposed that you saw 7 or 8 employees shouting slogans like "Bahar Nikalo", "Bahar Nikalo" entering into the Manager's Section one by one as now you are telling that when you were being taken away towards Manager's Chamber then you saw some people involved in a scuffle.

MW-4: I have clearly stated that the assaulters' party consisted of about 7 to 8 people but when I went to Manager's Chamber after the assault the people in all, in the scuffle were about 10 to 15, that is, the employees inclusive of the persons who had come for help.

DR: Earlier, you have said that you did not count the number of employees entering into the Section in those few moments and again you are telling somewhat different thing. What is the fact ?

MW-4: I am telling the same fact time and again that 7 or 8 people who entered into Manager's Section enclosure got obstructed by some employees of the Manager's Section and when I went to Manager's Chamber I saw the intermingled group consisting of about 10 to 15 people, but it does not mean that I was all along counting their heads.

DR: Did anyone else other than the two employees attempt to assault you ?

MW-4: Nobody else assaulted me.

DR: How did you recognise only two employees, Shri V.K.Singh and Shri Sheoji Singh ? Did you ask someone who were there ?

MW-4: Since we are all working in the same institution and I had quite a number of years service in this office that is about 7 years, at the time of the incident and Shri V.K.Singh has also been in the office for about similar period and secondly I have been working in the Manager's Section on a desk where almost all the employees were officially connected in respect of their leaves, increments and seniority lists etc, it is quite natural that during all these periods of my service and my service in the Manager's Section, the employees had visited Manager's Section or in the Bank premises also, the chances of familiarity were there. So I felt at the time of the incident that the faces of these two employees were not quite unfamiliar to me. I had a faint idea about their names also. At the time of incident also, some employees of Manager's Section had shouted at them saying them by name and removed them from my desk. As I came to Manager's Chamber I again confirmed from the ASO, Shri Chakraborty, that these were the employees with these names and he confirmed it. Though I was very sure of the identity of these persons, still to see that no mistake was committed in the identity as well as names of the persons, I referred to the official records also and accordingly my reports were submitted.

DR: Who were the employees who removed them calling their names ?

MW-4: They did not remove them immediately, just at the time of assault but simply shouted and when the assault had actually occurred, then they came to obstruct them and I went to Manager's Chamber.

DR: You have just now said that a few employees of the Manager's Section removed them from near your desk then please tell, who were those employees ?

MW-4: I have already stated that just at the time of assault a few employees shouted their names but I cannot link their faces with the particular employees from whose mouths it occurred. About the second point; when some employees of Manager's Section stopped and obstructed entry of the remaining employees of the group. So what you want to make out, please tell me.

DR: I want to know who were the Manager's Section employees as stated by you just now who removed these two employees by calling their names from your desk ?

MW-4: I have indicated that these two employees were removed from my desk by Shri Chakraborty and the entry of remaining employees of the group were obstructed by the employees working in the Manager's Section and as also, there might be some employees from outside also as I have stated.

DR: It means that no other employee of Manager's Section removed these two employees by calling their names from your desk.

MW-4: The physical removal of these two employees from my desk was done by Shri Chakraborty, A.S.O.

DR to EO: Sir, I request you to please take note of it that management witness has falsely deposted just now before you that apart from Shri Chakraborty some other employees of the Manager's Section removed the said employees by calling their names.

EO: DR's observations stand noted. The witness may if he so desired clarify the position.

MW-4: I think some misunderstanding is being caused between the group itself which it is quite clear, consisted of two parts, that is, (a) two employees who were able to assault me and (b) the remaining part of the group could not reach my desk because of obstruction caused. Now the ASO, Shri Chakraborty, after removing the assaulters from my seat, took me to Manager's Chamber and the employees of Manager's Section were obstructing the entry of remaining group from my seat. So the ASO and myself went to Manager's Chamber. I do not think there is any confusion over this matter.

EO to MW-4: I think the specific issues on which the DR wants a clarification are -

1. Whether you recognised and can name a few of the Manager's Section employees who obstructed/ removed the group of persons other than the two charge-sheeted employees from reaching your desk and

2. Whether he could identify the Manager's Section employees who called out the names of the two assaulters.

MW-4: I cannot name the persons who uttered the names of two assaulters but the employees of Manager's Section who were present on that day in the Manager's Section were involved and particularly since I could not give particular attention to their faces, I may not be able to pin-point the exact names.

DR: It means that you did not recognise even the persons of Manager's Section.

MW-4: The persons of Manager's Section who were involved and obstructing the entry of the remaining members of the group would have been seen by me properly had I just stopped in the way for a few moments.

EO: Let us now break for lunch. The enquiry shall continue from 4 p.m. today.

SECOND SESSION AT 4 PM

DR: The names of Shri V.K.Singh and Sheoji Singh were confirmed by the ASO, Shri Chakraborty inside the Manager's Chamber as told by you. Do you confirm it ?

MW-4: I have told that in addition to my faint ideas

about their identify and the names as had by me and the voices heard in the Section, I had also confirmed from the ASO.

DR: When you confirmed it from ASO ?

MW-4: Just after coming to Manager's Chamber when we were to write the note for the purpose of preparation of FIR.

DR: As you have said that due to your dealing in the leave Cell you recognise all the employees of the Bank, I want to know whether you really recognise all the employees of the Bank.

MW-4: I have never said that because of my dealings with the people on Leave Desk I could have or I can recognise all the persons working in the Bank.

DR: Since when you know Shri V.K.Singh ?

MW-4: I am not able to particularly pin-point the period at which I might have had any discussion or talk or any such matter in the past with Shri V.K.Singh. I have only told earlier that because of our long stay at this centre the faces were not quite unfamiliar to me but at which time we met in the past before the incident I do not remember right now.

DR: Were you aware about the identity of Shri V.K.Singh prior to the happening of this reported incident ?

MW-4: I think you are repeating the same question time and again in some other words.

DR: Because you are not giving clear-cut answer.

MW-4: When I said I had only faint idea in the past nothing more can be said particularly that I met him at so and so place or so and so time. But while working in the office or while taking paan etc in the Paan Shop, while moving around in the Bank some faces do get fixed up in the mind of the person but it does not mean that we cannot recognise them later on.

DR: Then you must have a faint idea about the other members of the group also.

MW-4: Again the same question is being asked to me, when I have told that while going to Manager's Chamber I did not see and could not see properly the members of the group who were being repelled.

DR: Did you cry for help during the assault ?

MW-4: I might have spoken some words for help but actual words I do not remember now.

DR: I am not asking about the actual words. I am just asking whether you cried for help or not.

MW-4: Yes, I cried.

DR: In the written statement given to the Bank about which you had told that you have elaborated almost allvital details of the incident there is no mention of your crying for help. It means that you are not telling the truth here. What you have to say in this regard ?

MW-4: Cryingfor help or not crying for help is just not very material to form part of the vital details which needed particular emphasis at that time.

DR: Who were the employees who responded to your cry for help.

MW-4: Immediately Shri Chakraborty, ASO had escorted me to Manager's Chamber and if somebody came to the place of incident later on, I do not know.

DR: Did Mr Chakraborty remove the said assaulters one by one or collectively ?

MW-4: He removed them one by one.

DR: Name the employee who was removed first.

MW-4: Mr Sheoji Singh who was the second assaulter was perhaps removed first and V.K.Singh subsequently.

DR: When Sheoji Singh was being removed by the ASO what was being done by V.K.Singh ?

MW-4: He had assaulted earlier and immediately was followed by the assault of Shri Sheoji Singh. Naturally, Shri V.K.Singh was there. It was a matter of a few ~~xx~~ seconds only.

DR: Whether the ASO removed them outside the Manager's Section ?

MW-4: He immediately took me to Manager's Chamber and how the assaulters went out of the Manager's ~~Chamber~~ Section I am not aware.

DR: No, I want to know whether S.K.Chakraborty escorted you to the Manager's Chamber or was he indulged in removing the assaulters out of the scene. As you are saying that all these happened within moments then please tell us how it is possible that the same Chakraborty escorted you to the Manager's Chamber and he removed the said assaulters one by one at the same time within moments.

MW-4: I have given in my earlier evidence and in the written report also that Shri Chakraborty was closely following the assaulters. So, when they started assaulting, it was not difficult to pull them away immediately and escort me to Manager's Chamber.

DR: Have you gone through the earlier proceedings of the enquiry ?

MW-4: I am referring to my earlier evidence.

DR: No, I want to know whether you have gone through the entire proceedings of the enquiry or not ?

MW-4: No, I have not gone through the earlier record of proceedings at all.

DR: In your written statement you had said that Mr S.K.Chakraborty removed the assaulters one by one and he instructed to you or advised to you to go into the Manager's Chamber. And here you are telling that he escorted you to the Manager's Chamber. It is very apparent contradiction. I think youhave given a false written statement or you are falsely deposing here.

MW-4: There is no contradiction as such because when he came to the scene he advised me to go inside. But I did not go alone. I was duly escorted by him.

DR: Why did you not mention it in the written report ?

MW-4: May I see the report ?

(Reports were shown).

I have very well written in both the reports that he rescued and escorted me.

DR: Because of the suddenness of the alleged event you were not in your normal state of mind and did not know how it all happened. Is it true?

MW-4: The contention that I was not having normal state of mind does not mean that I was mentally imbalanced or mentally disturbed but because of the assault that also with bleeding injuries I was so shocked that I , as a normal human being, was not immediately expected to know as to why all this happened but I could very well say how it happened.

DR: But you are not giving the details of the incident that how it happened, like when you saw that 7 or 8 employees came shouting in the department, you are not recognising anyone of them except these two, who called the names of these two employees, you are not clear about it also. Who were the other members of the staff of Manager's Section involved in the scuffle , you do not know. Then how can it be said you know how it all happened ?

MW-4: I think, with sufficient clarity, I have earlier deposed that the group of some employees who entered the Manager's Section enclosure, was led by Shri V.K.Singh and Shri Sheoji Singh and when they came to my seat, they assaulted me. They were on my right side. Naturally, there was an obstruction to look at the remaining group of employees and secondly my attention was fixed at the faces of these two employees and it is quite natural that I cannot superimpose myself over the assaulters to see the remaining group of employees of the crowd. As regards recognition of the employees of Manager's Section, who obstructed the entry of the remaining group of assaulters party, I would like to draw the attention of the DR to the very important fact which he has overlooked so far in the enquiry that my specs, were broken at the spot and because of assault on my face with the injury at my left eye also, how it can be expected from a normal human being that he will be able to recognise those people.

DR: Did you also try to assault the said assaulters in your defence ?

MW-4: No. I could not do so because of suddenness and moreover there was no time also to defend myself as because of breakage of my glasses and bleeding injury I got sudden shock.

DR: It looks very surprising that you were sitting just quietly in your chair and receiving several blows on your face. You must have done something?

MW-4: Blows were no doubt inflicted on my face but it does not mean those were in hundreds and these two employees continued to beat me for hours.

DR: How many blows the saidgroup of assaulters must have given to you ?

MW-4: About 2/3 blows were gicen by the first assaulter and a similar number by the second assaulter also, but I did not count them.

DR: It means that you received 5 or 6 blows one by one by two persons just sitting quietly without any defence or similar action on your part ?

MW-4: I have stated quite clearly in the earlier deposition that whenI was assaulted I was sitting there in mydesk and the persons who came to assault me were in standing position. Therefore, no action to defend myself could be taken either to run away from the seat or go under the table. Since Shri Chakraborty came to rescue me, I got up from the seat and accompanied him to the Manager's Chamber.

DR: Since when are you wearing spectacles ?

MW-4: The exact time I do not remember, but it must be about 4/5 years before the incident.

DR: Whether it is due to short sightedness or longsightedness ?

MW-4: It is for seeing the distant things and not for nearness.

DR: Were you wearing spectacles when the said assaulters, one after another assaulted you ?

MW-4: Yes. I was wearing specs at that time.

DR: At what stage of assault did your spectacles got smashed ?

MW-4: Immediately on first blow my specs were smashed and fell into pieces on the ground.

DR: How did you receive several and severe blows on the left side of your face only ?

MW-4: This I have already clarified that when the assaulters came near to my desk I looked towards right side and therefore my left side came on their side and they were able to assault on left side only.

DR: Did not you move your neck when several blows were given to you? Because it looks very much unbelievable that when several blows were being given to you and you did not move your face this side or that side.

MW-4: I have stated very clearly that I took to right and resultantly blows were given on the left side on my face and from the injury report it is very clear that number of injuries were there as a result of the blows given on my face. Now it can be chance that they were removed immediately. Otherwise further blows would have fallen on other parts of the body also.

DR: Please state specifically whether you turned your neck at the time or not ?

MW-4: I could not come to normal position because blow after blow was coming on my left side.

DR: Why did the other officers and other members of the staff of the Manager's Section where you had been working for the last 4 or 5 years did not come to your rescue ?

MW-4: Since Shri Chakraborty was following the assaulters closely, he was my immediate rescuer and other members of the group were very well repelled by the staff of the Manager's Section.

DR: What about your relations with the staff of the Section ?

MW-4: I think this is very irrelevant and subjective also.

DR: No, it is very pertinent. I want to know the exact fact why the other members of the staff of Manager's Section did not come to your rescue. In my view, it appears that this shows that your relations with other members of the staff were not cordial.

MW-4: I have stated earlier that immediately on assault some persons had shouted. Immediately, I was taken to Manager's Chamber by the ASO and I cannot say whether some more staff members of Manager's Section could get up from their seats and reached my desk immediately because I had also left the scene of assault, so quickly to Manager's Chamber. But it is a fact that they did repel the remaining assaulters quickly and nobody was sitting there simply as a silent spectator.

DR: The nature of injury as mentioned in BMO's report was not in proportion to the blows as alleged. Nor was there any bleeding injury. What have you to say in this regard?

MW-4: It is an expert's report and I am not competent to comment upon his report. But when a Doctor says that abrasion, I think, it does mean bleeding injury. Moreover I have already stated that there were blood spots on my shirt as well as on my face and my handkerchief was very much bloodstained, when I wiped my face with handkerchief.

DR: Why no medical treatment was given by BMO ? It means that he did not think it is necessary.

MW-4: I think this question should be directed at him only because he was the judge of the situation.

DR: You went to Gardiner Road Hospital to make a false police case. Is it true ?

MW-4: I did not go there on my own. But the police had taken me from here while going away with the FIR.

DR: What deposition you had given to the police during their investigation of the case ?

MW-4: So long as I was here till middle of May 1985 no police official ever examined me, nor has anybody from the police side examined me thereafter by calling me from Jaipur.

DR: What about the leave record of Shri V.K.Singh ?

MW-4: About the leave record of V.K.Singh I cannot say anything with certainty now because I left that seat one year ago. But there is general impression in my mind that perhaps his leave record is not bad because I do not remember having disposed of any bigger bunch of applications relating to him.

DR: On what basis do you relate the assault of 8.2.85 to the incident of 7.2.85 ?

MW-4: I had related it to the extent only that the assault was perpetrated on me just after the issue of suspension orders.

DR: How did you say that the assault was premeditated. Does not it show a bias on your part against these two employees ?

MW-4: When I wrote "premeditated", I had in mind the scene of the assaulters when they entered the Manager's Section enclosure, they had directly advanced towards me. It means they had formed an idea before the incident that they would beat me on my desk.

DR: In your written statement, you have said that employees came into the Manager's Section shouting slogans like come out, come out, bahar niklo, bahar niklo and in the oral enquiry you have deposed that employees were shouting slogans like Bahar nikalo, bahar nikalo, send him out, send him out. There is a clear contradiction.

MW-4: In my written statement I had used the actual Hindi words , Bahar Niklo and I had in English mentioned "come out". The actual words used by the assaulters were written as I could remember at that time and thus cannot be literally fixed in memory specially after lapse of time. If there is any minor contradiction, I think it is not very material.

DR: When you went into Manager's Chamber did you seek a glass of water ?

MW-4: I might have or might not have asked for a glass of water because I am not able to remember now.

DR: Thank you, Lal Saheb.

MW-4: Thank you.

EO: Let us close today's proceedings.

(V.K.Singh)
Charge-sheeted Employee

(A.K.Ojha)
Defence Representative

(M.M.Lal)
Management Witness No.4

(A.K.Bose)
Presenting Officer

(Alok Prasad)
Enquiry Officer.

Proceedings of enquiry conducted into the charges framed against Shri V.K.Singh, Clerk/Coin-Note Ex.Gr.II, as per charge-sheet No.MGR.4597/22(2)-84/85 dated 2.4.85 held in the Room adjoining the Officers' Lounge on 16th May 1986 at 11.30 AM

P R E S E N T

1. Shri Alok Prasad, Enquiry Officer (EO)
2. Shri A.K.Bose, Presenting Officer (PO)
3. Shri A.K.Ojha, Defence Representative (DR)
4. Shri V.K.Singh, Charge-sheeted Employee (CSE)
5. Shri M.M.Lall, Management Witness No.4(MW-4)

EO: Let us start the enquiry proceedings. The Presenting Officer is requested to take up the examination-in-chief of his next witness.

PO to MW-4: Please introduce yourself.

MW-4: I am M.M.Lall, Assistant Currency Officer of Issue Department, Reserve Bank of India, Jaipur.

PO: Please name the office and the department ~~were~~ you were posted on 8.2.85.

MW-4: On 8.2.85 I was posted as Staff Officer Incharge of Leave Cell, in Manager's Section, RBI, Patna.

PO: Did you join the office on that day, i.e. 8.2.85?

MW-4: Yes. I attended the office on that day.

PO: At what time did you report for duty on 8.2.85?

MW-4: I reported for duty at about 10 AM.

PO: After joining the office on 8.2.85, did you have any unusual experience during the morning hours ?

MW-4: Yes, on that day, at about 10.45 AM, I was assaulted by two persons, namely Shri V.K.Singh and Shri Sheoji Singh while I was discharging my official duties.

PO: Did the assault take place inside Manager's Section?

MW-4: Yes, the assault took place in the Manager's Section, at my own desk.

PO: Do you remember the time when the alleged assault was made on you ?

MW-4: I have already stated that the assault took place at about 10.45 AM on that day.

PO: As you have said, on 8.2.85, you were assaulted by Shri V.K.Singh and Shri Sheoji Singh inside Manager's Section at about 10.45 AM, Do you mean to say that these two persons walked into Manager's Section and hit you ?

MW-4: Actually, all of a sudden, a group of about 7/8 people started entering the Manager's Section Enclosure at that time one by one. This group was led by Shri V.K.Singh followed by Shri Sheoji Singh. They came straightaway to my desk and started hitting me on the left side of my face. Immediately, the people in the Manager's Section and the Assistant Security Officer, Shri Chakraborty, escorted me and obstructed the approach of all other people to my desk.

PO: Did you look at the persons hitting at you ?

MW-4: As soon as they reached my desk, I had a look at them towards my right side.

PO: Would you recognise them if you see them again ?

MW-4: I can very well recognise them.

PO: Do you confirm that Shri V.K.Singh, who is present at this session of the enquiry, was one of the persons who hit you on that day?

MW-4: Yes, he is the same person who started hitting me first, with his blows.

PO: After you were assaulted, what did you do ?

MW-4: I immediately stood up in my chair. My specs had been broken then and there. Escorted by the A.S.O. I went to Manager's Chamber.

PO: Did you go through medical examination after the assault ?

MW-4: Yes, I was medically examined by the BMO, Dr Gurgyan Singh, in the Manager's Chamber itself, after about two hours of the incident.

PO: Did the doctor certify that you suffered physical injury on account of the assault ?

MW-4: After examining me medically, the doctor gave a medical report to the Manager.

PO: Was there any injury on your person after you got hit by these persons ?

MW-4 : Yes, I sustained bleeding injuries at the left side of my face.

PO: Did you lodge an FIR with the Police against the assaulters ?

MW-4: The FIR was lodged by the Bank with the Police, who had come on the scene on a call given by the Bank, and it was handed over to the Police in the Manager's Chamber itself.

PO: Prior to this incident, did you ever have any problem - official or personal - with Shri V.K.Singh?

MW-4: I do not remember having come into any conflict either in personal or in official capacity, with Shri V.K. Singh.

PO: Did you make any written report to the Bank about the attack made on you on 8.2.85?

MW-4: Yes, immediately after the assault took place, I gave a small note to the Manager which was perhaps given to the Police officials also with the FIR and another report was lodged by me subsequently.

PO: As you have stated, you submitted two reports to the Bank about this incident. First on the date of the incident itself, i.e. 8.2.85, and the second, on a different date. Do you confirm that these two reports dated 8.2.85 and 11.2.85 are yours?

(Two reports were shown to Mr M.M.Lall).

MW-4: Yes, these are my reports.

PO: Thank you Lall Saheb. I have nothing more to ask.

EO: Would the DR like to take up cross-examination of the witness right now ?

DR: No Sir, not just now.

EO: Let us close today's proceedings. The next session of the enquiry willbe held on Monday, the 19th May 1986 at 10.30 AM at the same place.

(A.K.Ojha)
Defence
Representative

Virendra Kumar Singh
(V.K.Singh)
Charge-sheeted
Employee

(M.M.Lall)
Management
Witness No.4

(A.K.Bose)
Presenting Officer

(Alok Prasad)
Enquiry Officer

Proceedings of enquiry conducted into the charges framed against Shri V.K.Singh, C/C Gr.II in respect of charge-sheet No.MGR.4597/22(2)-84/85 dated 2nd April 1985 held in the Assistant Controller's Cabin, on 28th April 1986

PRESENT

1. Shri Alok Prasad, Enquiry Officer (EO)
2. Shri A.K.Bose, Presenting Officer (PO)
3. Shri O.P.Brahmachary, Management Witness No.3(MW-3)
4. Shri A.K.Ojha, Defence Representative (DR)
5. Shri V.K.Singh, Charge-sheeted Employee (CSE)

EO: We may start the proceedings. I would like to request Mr Ojha, DR to take up the cross-examination of Management Witness (MW-3) viz. Mr Brahmachary.

DR: Mr Brahmachary, in which Section were you posted on 8th February 1985?

MW-3: Disciplinary Section.

DR: Who was the S.O.of Staff Section on that date?

MW-3: I do not exactly recollect. Most probably I was, if the other one was on leave.

DR: So you are not sure ?

MW-3: I am not now sure.

DR: Can you say what was the time when the commotion started in the Manager's Section?

MW-3: It was after 10.15 AM.

DR: Was it before 10.30 AM?

MW-3: I do not exactly say. Itwas around 10.30 AM.

DR: Did you see Mr V.K.Singh there at that time?

MW-3: I had already given my statement during the examination. However, as I was not prepared for such sudden commotion, I did not keep watch on the people coming into the Manager's Section. But in that period I did not see him in the enclosure.

DR: Mr Brahmachary, during the course of examination you had said that some problem was anticipated because action was taken against two employees on 7th February 1985. Can yousay whether ASO, Mr Chakraborty, was informed about the impending trouble ?

MW-3: I did not inform him.

DR: While telephoning different departmental heads, did you telephone ASO also ?

MW-3: I did not , because I was in the process of telephoning. Normally all the departmental heads are first informed then only ASO is informed.

DR: Was Caretaker informed ?

MW-3: It is assumed that whenever some trouble is anticipated, the ASO is informed. As per ASO's duties as Asstt. Security Officer, he is concerned with security. So, normally he is expected to know any trouble initiating in the Bank.

DR: So you want to say that ASO might have been made aware about the prospective trouble?

MW-3: May be.

DR: Was V.K.Singh involved in the action that was taken against employees by the Bank on 7th February 1985?

MW-3: As far as I know, he was not connected with that.

DR: How many employees were shouting slogans?

MW-3: Outside the Manager's Section?

DR: Yes.

MW-3: Initially 10/15, later on the number increased.

DR: It means that when the commotion was going on inside the Manager's Section, 10/15 employees were shouting slogans outside Manager's Section.

MW-3: I think the employees shouting slogans were outside and some people rushed into the Manager's Section. Later on, large number of employees collected outside Manager's Chamber.

DR: How many employees rushed into the Manager's Section?

MW-3: I saw 3 or 4 people.

DR: What was the time when ASO came into the Manager's Section?

MW-3: Immediately after 10/15 AM or so.

EO: I would like to ask Mr Brahmachary whether he could recognize any of the persons who rushed into the Manager's Section?

MW-3: Yes, out of 3/4 people who rushed in, I could recognise Mr K.K.Dwivedi. Mr Chakraborty was also present there.

EO: The other persons, you did not recognise?

MW-3: No, I did not.

DR: Mr Brahmachary, I want to know whether ASO was present in the Manager's Section before the start of the commotion.

MW-3: No.

DR: When he came in ?

MW-3: He came in along with the group.

DR: Can you say whether any other disciplinary proceedings has been conducted involving Shri V.K.Singh i.e. prior to the happening of this incident?

MW-3: No, I do not have any occasion to go through.

DR: Did Mr Chakraborty submit any report to you about the said incident ?

MW-3: No, not to me.

DR: Whether ASO was asked for the written report about the said incident?

MW-3: Not to my knowledge.

DR: Thanks, it is all.

EO: We may close today's (28.4.1986) proceedings now.

(Alok Prasad)
Enquiry Officer

16.5.86.
(A.K.Bose)
PresentingOfficer

16/5
(O.P.Brahmachary)
Management Witness No.3.

16/5/86
(A.K.Ojha)
Defence Representative

Virendra Kumar Singh
(V.K.Singh)
Charge-sheeted Employee.

Proceedings of enquiry conducted into the charges framed against Shri V.K.Singh, CNE Gr.II, as per charge-sheet No. MGR.4597/22(2)-84/85 dated 2.4.85, held in the Sitting Room adjoining the Officers' Lounge on 14.4.86 at 3.30 PM

Present

Shri Alok Prasad, Enquiry Officer (EO)
Shri A.K.Bose, Presenting Officer (PO)
Shri A.K.Ojha, Defence Representative (DR)
Shri V.K.Singh, Charge-sheeted Employee (CSE)
Shri O.P.Brahmachary, Management Witness No.3(MW-3)

EO: Let us start the enquiry proceedings. The Presenting Officer is requested to take up the examination-in-chief of his next witness.

PO: Shri O.P.Brahmachary, S.O.Gr.B is my witness today.

(Shri O.P.Brahmachary was called and came in)

PO to MW-3: Your name and designation, please.

MW-3: O.P.Brahmachary, Planning Officer, Patna Office.

PO: Please name the department where you worked on 8.2.85.

MW-3: Staff Officer, Discipline, Manager's Section.

PO: On 8.2.85 were you present in the office ?

MW-3: I was present.

PO: Do you recall having seen anything inside the Manager's Section in the morning hours on that day which you may term as unusual ?

MW-3: Yes.

PO: What was it ?

MW-3: That is, around 10 AM, the time exactly I cannot say, it may be 10.30 or so, but it was after 10.15 , while I was making telephone calls to departmental incharges, I heard some commotion and in the meantime some people rushed into Manager's Section and thereafter, I saw Shri Chakraborty, our A.S.O., taking Mr M.M.Lall the S.O.Leave Section, out of his seat and bringing towards Manager's Section. I also helped him and took him inside the chamber.

PO: Did you see people rushing inside Manager's Section?

MW-3: I did not actually see people rushing but afterwards while I saw some people going out.

PO: Can you tell us roughly the number of people who came in to the Manager's Section ?

MW-3: It may be around 10 or more.

PO: Do you know them?

MW-3: All of them I cannot recognise.

PO: It would mean you recognised some of them ?

MW-3: Yes, yes. I definitely recognised some of them even today.

PO: Who were those people?

MW-3: As I have already stated, Shri Chakraborty, was there, Shri Dwivedi I saw and others I do not know.

PO: Between the time when people rushed inside Manager's Section and Shri Chakraborty and yourself helped Shri M.M.Lall to come out of Manager's Section, what had actually happened ?

MW-3: I have already explained. On the same day I was telephoning, while telephoning , some people were talking in front of me. So I cannot definitely say what happened in between.

PO: You must have a reason for helping Shri Chakraborty in taking Shri Lall to Manager's Chamber. Can you tell us the reason for it?

MW-3: Shri Lall was in disturbed mood. He was not his usual self. As in the commotion, immediately, to clear the people I rushed to Shri Chakraborty and helped.

PO: Did the group of employees threaten Shri Lall inside?

MW-3: I do not think that they threatened because it happened all on a sudden, outside there was commotion - "Lall ko nikalo".

PO: What did actually happen all on a sudden ?

MW-3: I would explain. There was some action on some employees and some trouble was also anticipated. Naturally, we were telephoning to the departmental heads to make them aware of the impending trouble and this is the reason for that commotion.

PO: Was Shri Lall in his official capacity involved in the anticipated problem or trouble ?

MW-3: Shri Lall was discharging his official duties. Naturally there may be trouble for one, in the course of his discharging duties.

PO: As you have said you found that Shri Lall was not looking his usual self. Please tell us what did you find in him which was unusual ?

MW-3: Prima facie, he was not in his specs, first of all. Secondly the A.S.O.'s presence is itself unusual because A.S.O.may have come there with some reasons and some people rushed in, this is also a reason.

PO: Did you try to find out what had happened with Shri Lall.

MW-3: Yes.

PO: What did you find ?

MW-3: Later on, I was told in the evening that he was hit by somebody.

PO: Did Lall name any person who had hit him?

MW-3: No.

PO: Are you aware that written reports were made to the Bank against two of our employees for assaulting Shri Lall on 8.2.85?

MW-3: That I am aware of because I handled the case.

PO: As you have said, on that day, about 10 people rushed inside Manager's Section and you saw some of them. Do you remember having seen Shri V.K.Singh in that group?

MW-3: I did not see him actually that day. Personally I was not knowing him by name on that day even.

PO: When the group entered Manager's Section, was there any slogan shouting from their side ?

MW-3: Yes, 'Nikalo','Nikalo' - this was there.

PO: After Shri Lall was removed to Manager's Chamber what did happen ?

MW-3: In the Chamber immediately I did not know. But later on I was called in. I asked for Shri Lall a glass of water. He was sitting in a corner. Manager, P.O. was there - other departmental heads were also there.

PO: Was the Police called in ?

MW-3: Yes.

PO: What was the reason ?

MW-3: So many people, employees were there, outside the Manager's Section shouting slogan.

PO: Do you remember what slogan they were shouting ?

MW-3: 'Lall ko nikalo'.

PO: Was there any injury on the person of Shri Lall ?

MW-3: Yes.

PO: Can you describe the injury ?

MW-3: Some abrasions were there - on the forehead.

PO: Did you observe those abrasions while you helped Shri Chakraborty in removing Shri Lall from Manager's Section to Manager's Chamber ?

MW-3: No.

PO: Does not it mean that on that day, Shri Lall had no injury on his person ?

MW-3: That I canot say.

PO: Was Shri Lall medically examined ?

MW-3: Yes.

PO: By whom ?

MW-3: Doctor was called in. Most probably Dr G.G.Singh, B.M. O.

PO: At the time of medical examination were you present there ?

MW-3: No.

PO: When you returned to Manager's Section, after leaving Shri Lall inside Manager's Chamber, did you find any excitement within Manager's Section Enclosure?

MW-3: Actually regarding excitement, people were outside. They were shouting. So these people were definitely disturbed.

PO: Did the staff of Manager's Section talk about what had happened with Shri Lall ?

MW-3: No, not in my presence.

PO: Did you try to find out all about it, on your own?

MW-3: No.

PO: Thank you.

EO: Would the DR like to take up the cross-examination right now ?

DR: No Sir, not now.

EO: Let us close today's proceedings. The time and date of the next session will be advised in due course.

(V.K.Singh)
Charge-sheeted Employee

(A.K.Ojha)
Defence Representative

(U.P.Bramachary)
Management Witness No.3

(A.K.Bose)
Presenting Officer

(Alok Prasad)
Enquiry Officer

Proceedings of enquiry conducted into the charges framed against Shri V.K.Singh, CNE Gr.II, as per charge-sheet No.NGR.4596/22(2)-84/85 dated 2.4.85 held in the Sitting Room adjoining Officers' Lounge on 11th February 1986 at 3 p.m.

Present

1. Shri Alok Prasad, Enquiry Officer (EO)
2. Shri A.K.Bose, Presenting Officer (PO)
3. Shri A.K.Ojha, Defence Representative (DR)
4. Shri V.K.Singh, Charge-sheeted employee (CSE)
5. Shri S.K.Chakraborty, Management Witness No.2(MW-2)

EO: Let us start the proceedings. Would the Defence Representative and the Presenting Officer like to make any further submissions on the issues raised during the enquiry session held yesterday?

DR: I have nothing to add more, Sir.

PO: Ialso don't have anything further.

EO: After due thought and consideration I have come to the conclusion that once the cross-examination has been completed and closed, it should not normally be reopened. Thus the cross-examination of MW-2, Shri S.K.Chakraborty, in respect of the enquiry proceedings against Shri Sheoji Singh is to be treated as closed and no further questions may be asked. The Defence Representative may take up the cross-examination of Shri Chakraborty in respect of the enquiry against Shri V.K.Singh. I may add here that even though the charges and the witnesses are the same, since the charge sheeted employees are different , it would be desirable that an independent cross-examination is conducted, if the DR wants to exercise his option of conducting the cross-examination.

DR: Sir, I am not making any specific request to reopen the closed cross-examination in case of Shri Sheoji Singh. What I actually want is that the cross-examination for this session of enquiry will remain the same as was taken earlier in case of Shri Sheoji Singh in the enquiry session held on 7th and 8th February 1986 and in condition of that , a few more questions I shall ask. So, I request the Enquiry Officer to please permit me to ask the questions.

EO: The DR is free to ask whatever questions he wants as a part of his cross-examination in respect of the enquiry against Shri V.K.Singh. The questions asked now will not be taken as applicable to the cross-examination in respect of the enquiry against Shri Sheoji Singh.

DR: It is upto you to decide. But in my view because the charges are same, incident is the same, witness is the same andthe enquiry Officer is the same, so the cross-examination taken in this session will also apply in case of both the charge-sheeted employees.

EO: I want to make it absolutely clear that the questions being asked now will not apply to the cross-examination pertaining to the enquiry in respect of Shri Sheoji Singh as that has been treated as closed.

DR: I express my strong resentment over your ruling Sir.

EO: The decision has been given and the DR may now proceed with the cross-examination in respect of the enquiry against Shri V.K.Singh.

DR: In continuation of earlier cross-examination taken in the case of Shri Sheoji Singh and which shall be applicable for this session also, I am asking a few more questions.

DR to MW-2: Chakrabortyda, at what time the Main Gate of the Bank which opens into the Exchange Hall, is opened ?

MW-2: Exact at 10.30 AM.

DR: Who keeps the keys of the Bank ?

MW-2: Bank's Security Guard.

DR: Whether your presence at the time of opening of the Gate is essential or not ?

MW-2: There is no such specific instruction given by the Bank, but I am supposed to be present there.

DR: At what time the Main Gate of the Bank was opened on 8.2.85 ?

MW-2: Exact at 10.30.

DR: Whether you were present or not ?

MW-2: I was in the Cabin.

DR: So it means that in your presence the Gate was opened.

MW-2: Yes.

DR: Thank you, Chakrabortyda, it is all.

EO: Let us close todays proceedings.

(V.K.Singh)
Charge-sheeted Employee

(A.K.Ojha)
Defence Representative

(A.K.Bose)
Presenting Officer

(S.K.Chakraborty)
Management Witness No.2

(Alok Prasad)
Enquiry Officer

proceedings of enquiry conducted into the charges framed against shri V.K.singh, common cadre Gr.II, in respect of charge-sheet No.MGR.4597/22(2)-84/85 dated 2.4.85 held in the/Room adjoining Officers' Lounge on 10.2.86 /sitting

---

present

shri Alok prasad, Enquiry Officer (EO)
shri A.K.Bose, presenting officer (PO)
shri S.K.Chakraborty, Management witness No.2 (MW-2)
shri V.K.singh, Charge-sheeted employee (CSE)
shri A.K.Ojha, Defence Representative (DR)

EO: Let us start the proceedings. The Defence Representative is requested to take up the cross examination of management witness No.2, namely, shri Chakraborty, A.S.O.

DR: I shall not cross examine management witness No.2 in this session because the charges and the witness remaining the same, so the cross examination taken in earlier, in the case of shri sheoji singh, will remain the same in this session also. But in addition to that I shall ask a few more questions.

PO: In case the Defence Representative wants to put additioal questions to the management witness No.2 in respect of the charge sheet which was issued to shri sheoji singh, I would request the Enquiry Officer not to allow him to do it, because cross examination of shri Chakraborty in respect of the charge sheet issued to shri sheoji singh has already been closed. The defence Representative has the right to cross examine my witness in respect of the charge sheet issued to shri V.K.singh.

EO: would the Defence Representative like to say anything?

DR: Sir, I think , there is no merit in the objection of the presenting Officer. As I had already stated that charges and the witness is same, so there is no need of a fresh cross examination. Only in addition to that, one or two more questions I intend to ask.

EO: Do I take it that the questions now proposed to be put to shri Chakraborty will form a part of the cross examination pertaining to the enquiry in respect of shri V.K.singh only?

DR: No, sir, It will apply in both the cases.

EO: Two issues have been raised in the points made by the Defence Representative and the presenting Officer. The first pertains to the reopening of the cross examination in the case pertaining to shri sheoji singh which was concluded during the enquiry session held on 8.2.86. The second issue pertains to the applicability of the cross examination of MW-2, conducted in the case against shri sheoji singh, during the enquiry session held on 7.2.86 and 8.2.86. Normally, once a cross examination has been closed, I feel, that it should not be reopened. However, my final decision on this matter will be given during the next session of the enquiry. As regards the second issue I would presume that the Defence Representative does not want to exercise his right of cross examining MW-2 afresh, in respect of the enquiry against shri V.K.singh.

DR: No sir, I am not foregoing my right of cross examining the management witness No.2, shri Chakraborty, in case of shri V.K.Singh. I am stressing only this point that the cross examination taken in, in the case of shri Sheoji Singh, should be taken in toto, as applicable in the case of shri V.K.Singh also.

EO: In case the cross examination of MW-2, shri Chakraborty conducted on 7.2.86 and 8.2.86 in respect of the enquiry proceedings in respect of shri Sheoji Singh is to be accepted, in toto, for the present enquiry pertaining to shri V.K.Singh, there should not normally, be any further questions asked since the earlier cross-examination was closed. However, my final decision in the matter will be given in the next session of the enquiry. Today's proceedings stand closed. The next session of enquiry stands fixed for 11th February 1986 at the same time and place.

(V.K.Singh)
Charge-sheeted
Employee

(A.K.Ojha)
Defence Representative

(S.K.Chakraborty)
Management
Witness No.2

(A.K.Bose)
Presenting Officer

(Alok Prasad)
Enquiry Officer

Proceedings of enquiry conducted into the charges framed against Shri Virendra Kumar Singh, Clerk/CNE Gr.II, as per charge-sheet No.MGR.4597/22(2)-84/85 dated 2.4.85, held on 6th January 1986 at 11.30 AM in the Visiting Officers' Room.

Present

Shri Alok Prasad, Enquiry Officer (EO)
Shri A.K.Bose, Presenting Officer (PO)
Shri A.K.Ojha, Defence Representative (DR)
Shri Virendra Kumar Singh, Charge-sheeted employee (CSE)
Shri S.K.Chakraborty, Assistant Security Officer, Management Witness No.2 (MW-2)

EO: Let me first all wish you both a very happy New Year.

CSE: Same to you Sir.

EO: Let us start the proceedings. The Examination-in-chief and cross-examination of first management witness has been completed. I would request the Presenting Officer to commence with the examination-in-chief of his next witness.

PO: to
MW-2: Your name and designation, please.

MW-2: I am S.K.Chakraborty, Assistant Security Officer, Reserve Bank of India, Patna.

PO: During your duty hours where do you normally sit ?

MW-2: Normally I sit in the Exchange Hall.

PO: Did you join your duty in the Bank on 8th February 1985?

MW-2: Yes, Sir.

PO: On that day, i.e. 8.2.85, when did you report for duty?

MW-2: At 9.45 AM.

PO: What are your normal duties as Assistant Security Officer?

MW-2: My normal duty is overall charge of the security. In addition, if anything happens in the premises, I am supposed to look after all these things because it is all related to security.

PO: At about 10.45 AM on 8th February 1985 where you were ?

MW-2: Upto 10.40 I was sitting in the Exchange Hall in my Chamber. All of a sudden I saw a few people, about 10/15 in number, in the Main Entrance of Cash Department, people rushed to Manager's Section. I then immediately got up and followed them.

PO: You followed them to which place ?

MW-2: I went to Manager's Section.

PO: Was that group of employees shouting any slogan ?

MW-2: Yes, they were shouting 'Lal Ko Maro' Lal Ko Maro'.

PO: Did that group of employees enter inside the enclosure of Manager's Section ?

MW-2: Yes, yes. They went inside the Manager's Section.

PO: What did you see there in Manager's Section after you followed the group ?

MW-2: The Group was led by Shri Virendra Kumar Singh and followed by Shri Sheoji Singh. Mr V.K.Singh assaulted M.M.Lall in the Leave Cell in the Manager's Section.

PO: Can you tell us how Shri V.K.Singh assaulted M.M.Lall ?

MW-2: Gave blows in the face. Some bleeding injury was also there in the nose and lips.

PO: Did you see Shri V.K.Singh giving blows to Shri M.M.Lall with his own hand ?

MW-2: Yes, Yes, I have seen it.

PO: What did you do after that ?

MW-2: Then immediately I went there and bifurcated all the assembled people. Some staff section people were also with me , I instructed M.M.Lall to immediately go to Manager's Chamber.

PO: After Shri V.K.Singh assaulted Shri M.M.Lall did you see Shri Lall, that is, after the assault ?

MW-2: Yes.

PO: Was there any sign of injury on Shri Lal's person ?

MW-2: His spectacles were broken and there was injury on his nose, lips and eyes.

PO: As per your advice, did Shri Lall move to the Manager's Chamber ?

MW-2: Yes, he immediately went to Manager's Chamber.

PO: What did you do after that ?

MW-2: Then I saw people again rushed to the Manager's Chamber. They were shouting "M.M.Lall ko Bahar Nikalo".

PO: When the group of employees assembled near Manager's Chamber shouting "M.M.Lall Ko Bahar Nikalo" what did you do ?

MW-2: I was standing at the door of the Manager's Chamber and I was there till the arrival of the Police.

PO: Do you have any idea about who called the Police and why?

MW-2: I do not know who called the Police.

PO: Do you know why Police was called.

MW-2: Because of this incident police was called.

PO: How long you stayed at the door to the Manager's Chamber?

MW-2: Upto half an hour, till the assembled employees dispersed.

PO: I have with me a report dated 9.2.85 made by you to the Bank about the assault on Shri M.M.Lall on 8.2.85. Please see the report and confirm that it is your report and in this report you have stated the facts as seen by you.

(PO shows the report to Mr Chakraborty).

MW-2: Yes, I confirm this is my report.

PO: A copy of this report has already been submitted by me to the enquiry as one of the documents which I intend to use.

(PO then shows the report to Enquiry Officer who returned the report after perusal).

PO: Thank you, Mr Chakraborty.

EO: Let us close today's proceedings.

28.1.86 22.1.86

(S.K.Chakraborty)
Management Witness No.2

(A.K.Ojha)
Defence Representative

(A.K.Bose)
Presenting Officer

(V.K.Singh)
Charge-sheeted Employee

(Alok Prasad)
Enquiry Officer

Proceedings of oral enquiry conducted into the charges framed against Shri Virendra Kumar Singh, Clerk/Coin-Note Examiner Gr.II, as per charge -sheet No.MGR.4597/22(2)-85/86 dated 2.4.85, held at the Visiting Officers Room on 5th December 1985 at 11 AM.

Present

1. Shri Alok Prasad, Enquiry Officer (EO)
2. Shri A.K.Bose, Presenting Officer (PO)
3. Shri A.K.Ojha, Defence Representative (DR)
4. Shri Virendra Kumar Singh, Charge-sheeted Employee(CSE)
5. Shri Rajni Kant Sinha, Staff Officer Gr.A, Management Witness No.1(MW-1)

EO: Let us start the enquiry proceedings. I would request the Defence Representative to begin the cross-examination of management witness No.1, namely, Shri R.K.Sinha.

DR: Sinhaji, you have said that on 8.2.85 while you were in the Officers' Lounge somebody told you that a few employees were shouting slogans and Mr M.M.Lall had been injured. You have also said that when you returned to the Manager's Section at about 11 AM you found nothing unusual. You did not hear any slogan shouting yourself. Do you confirm it?

MW-1: Yes. I confirm it.

DR: Again, you have said that on making enquiries in the Manager's Section and learning that Mr M.M.Lall had been injured andwas in the Manager's Chamber, you peeped into the Manager's Chamber and saw Mr Lall seated with bleeding injuries above the eye-brow. What was the time when you saw him?

MW-1: I am unable to state the exact timing but I peeped into the Manager's Chamber after 11 AM.

DR: Well, then should I presume that it must be around 11.15 AM?

MW-1: It may be around 11.15 AM or after 11.15 AM.

DR: The injury was near which eye-brow?
Near left or right?

MW-1: Perhaps it was on the left side.

DR: How much blood must have been near the eye-brow where the injury was or on the face?

MW-1: He had bleeding injury. It is not possible to say how much blood was there.

DR: Well, was the blood fresh or clotted?

MW-1: Exactly, I am unable to recollect.

DR: You try to recollect because you saw there was some bleeding.

MW-1: He had bleeding injury, it is now not possible to recollect more.

DR: From which door of the Manager's Chamber did you peep inside?

MW-1: Door opening in the Manager's Section.

DR: Which side is the Lavatory in the Manager's Chamber?

MW-1: It is in the northern side.

DR: Because of your posting in the Manager's Section you used to see Mr Lall daily. When you peeped inside and saw him ✗ in the Manager's Chamber on 8.2.85, apart from the injury near the eye-brow did you find any other unusual feature about his face?

MW-1: It appeared to me from his facial view that he had some trouble.

DR: Was there any swelling on the face?

MW-1: Exactly I cannot say.

DR: Did you find anything unusual in the Manager's Chamber?

MW-1: When I peeped into the Manager's Chamber I did not see anything unusual.

DR: Thank you, it is all.

EO: We may close today's proceedings now.

(R.K.Sinha)
Management Witness No.1

6.1.86
(A.K.Bose)
Presenting Officer

(Virendra Kr.Singh)
Charge-sheeted Employee

6/1/86
(A.K.Ojha)
Defence Representative

(Alok Prasad)
Enquiry Officer

Proceedings of oral enquiry conducted into the charges framed against Shri Virendra Kumar Singh, Clerk/Coin-Note Examiner Gr.II, as per charge sheet No.MGR.4597/22(2)-84/85 dated 2.4.85, held in the Visiting Officers' Room on 4th November 1985 at 11.30 AM

Present

1. Shri Alok Prasad, Enquiry Officer (EO)
2. Shri A.K.Bose, Presenting Officer (PO)
3. Shri A.K.Ojha, Defence Representative (DR)
4. Shri Virendra Kumar Singh, Charge-sheeted Employee (CSE)
5. Shri Rajni Kant Sinha, Management Witness No.1(MW-1)

EO: Let us start the proceedings. The Presenting Officer may kindly take up the examination-in-chief of his first witness.

PO: I will present my first witness Shri Rajni Kant Sinha, Staff Officer Grade-A.

PO to MW-1: Please identify yourself.

MW-1: My name is Rajni Kant Sinha. I am Staff Officer Grade-A, DBOD.

PO: Would you please tell us the place of your posting on 8.2.85?

MW-1: On 8.2.85 I was attached to Manager's Section.

PO: Normally when do you come to office in the morning?

MW-1: Normally I come to office between 9.45 AM and 10 AM.

PO: Can you tell us the exact time when you reached office on 8.2.85?

MW-1: It is not possible for me to state the exact time of my attendance on 8.2.85 but definitely I reached before 10 AM.

PO: Do you know Shri M.M.Lall ?

MW-1: Yes, I know Mr M.M.Lall.

PO: On 8.2.85 Shri Lall was posted to which Department?

MW-1: Mr M.M.Lall was posted to Manager's Section and he was incharge of Leave Cell.

PO: When you reached the office on 8.2.85 did you see Shri M.M.Lall in the Manager's Section?

MW-1: Yes, he was present in Manager's Section?

PO: Did you talk to Shri Lall?

MW-1: I did not talk to him.

PO: At that time was there sign of any injury on Shri Lall's person?

MW-1: There was no sign of any injury.

PO: Did you find anything unusual in Manager's Section or outside it between 9.45 AM and 10 AM on 8.2.85?

MW-1: When I reached the office I did not find anything unusual.

PO: As you have said, you reached office on that day at about 10 AM. Shall we presume that from that time to the beginning of your lunch hours you remained in Manager's Section?

MW-1: It is not possible for me to state that I was throughout present in the Manager's Section from 10AM till the beginning of lunch hours but definitely I can say that I was away from Manager's Section from around 10.30 to roundabout 11.00 AM.

PO: While in the Lounge, did you come to know anything which was unusual ?

MW-1: I learnt that some employees were shouting slogans in the Manager's Sectiinn and Shri M.M.Lall has been injured.

PO: Who informed you about it ?

MW-1: I do not remember the name of the person who brought the news in the Lounge.

PO: How did you react when you heard that some employees were shouting slogans in the Manager's Section and Shri M.M.Lall was injured.

DR: Objection. He should not ask such type of questions. What actually happened only that should be asked.

EO: Would the Presenting Officer like to say anything on this ?

PO: I would like to put it in a different way.

PO to MW-1: When you were informed by someone that these things have happened, what did you do ?

MW-1: I did not take it seriously and I came down after completing my usual work in the Lounge.

PO: May I ask you why did you not take it seriously ?

MW-1: I thought the person is making a joke.

PO: When you returned to Manager's Section after completing your work in the Lounge did you try to find out whether it was a joke or reality ?

MW-1: Yes, I tried to find out when I returned to Manager's Section whether the news was true.

PO: How did you try to find out the actual fact?

MW-1: I enquired from the employees working in the Section.

PO: Can you tell us who these employees were ?

MW-1: I exactly do not remember the name of the persons from whom I enquired about the reported news.

PO: Normally, you would have asked this question, to verify the truth or otherwise of this information, of people working in your Section. Will you tell us whether this question was put by you to someone working in the Recruitment Section on that day ?

DR: I think this question should not be asked. I have objection because answer of this question has already been given by the Management Witness, Shri Rajni Kant Sinha.

EO: Would the Presenting Officer like to say anything ?

PO: I do not see any reason for which the Defence Representative shouldobject to this question. I have only been trying to help the witness to recollect what actually happened on that day.

DR: No. The Presenting Officer is pressurising the Management Witness in indirect way to say something that suits the management.

PO: I have not asked the witness to say anything in favour of or against someone. I am only trying to help him in recollecting the names of persons by whom he was informed about the incident and the persons from whom he tried to verify the truth.

DR: Rajni Babu has already answered that he is not remembering the names of the employees to whom he asked to verify the truth of reported statement that he came to know in the Lounge.

EO: Shri R.K.Sinha is the management witness and Presenting Officer is free to elicit whatever information he would like from his witness as long as the questions being asked are material to the case. The objection is, therefore, over-ruled. Management witness may kindly answer the question.

MW-1: I might have enquired from the staff working in the Recruitment Section at that time. But I do not exactly remember whether I enquired from my sectional staff or other staff of the Manager's Section.

PO: You do not remember the name of the persons from whom you wanted confirmation or otherwise of whatever you were told by someone in the Lounge. We presume that you remember the reply which was given to you by that person to your queries ?

MW-1: I was informed that some employees entered in the Manager's Section shouting slogans and Shri M.M.Lall was injured.

PO: Roughly how many slogan shouting employees were there in and around Manager's Section when you returned to your Department from the Lounge ?

MW-1: As far as I remember I did not see any outside employees in the Section.

PO: After hearing about the incident in the Lounge how much time did you take to return to your Department ?

MW-1: I returned to my Section after about ten minutes after getting the information in the Lounge.

PO: The incident about which you were reported in the Lounge was not a joke as you had guessed earlier. This is evident from the reply when you received on your queries when you returned to Manager's Section from the Lounge. It is surprising that slogan shouting crowd evaporated from the scene within minutes. Don't you feel surprised at it ?

DR: Objection, Sir.

EO: Kindly be specific about your objection.

DR: The Presenting Officer should ask the questions relating to the incident. What is surprising and what is not surprising or what feeling came in the heart or mind of the management witness should not be asked here. I have serious objection.

EO: Would the Presenting Officer like to say anything?

PO: I have no comments to offer. I await your decision.

EO: I would request the Presenting Officer to restrict his questions, as far as possible, to the factual aspect and make his questions brief andx specific. He may accordingly re-frame the questions which was objected to by the Defence Representative.

PO: to MW-1: When you learnt that there was a slogan shouting crowd in Manager's Section and Shri Lall was injured what did you do?

MW-1: I enquired where is Mr Lall as he was not present in his seat.

PO: Could you succeed in finding out where Shri Lall was at that time ?

MW-1: Yes, I learnt that Mr Lall is in Manager's Chamber.

PO: Did you meet Shri Lall after that.

MW-1: I did not meet him as senior officers were present in the Manager's Chamber at that time.

PO: Was there an important meeting being held in Manager's Chamber at that time?

MW-1: When I peeped into the Manager's Chamber I saw that some senior officers besides other officer staff were discussing which I did not hear.

PO: Did you see Mr Lall there ?

MW-1: Yes, Mr Lall was sitting in the Chamber.

PO: Was he looking absolutely normal ?

MW-1: He had some injury and as such his look was not normal.

PO: Will you describe the injury which you saw on the person of Shri Lall ?

MW-1: He had some injury above his eye-brow.

PO: On that day i.e. 8.2.85, did you come across Shri Lall again after you saw him inside the Manager's Chamber?

MW-1: No.

PO: Since Shri Lall and yourself were posted to the same Department you must have asked him subsequently about the injury and how he sustained it ?

MW-1: I did not ask.

PO: Thank you. I close my questions.

EO: Would the Defence Representative like to cross-examine the management witness now ?

DR: No Sir. Not just now. I shall cross-examine later on.

EO: Let us close today'sproceedings and as per the convenience of the Defence Representative the next date of enquiry will be held on 13th November 1985 at 11.30 AM in the Visiting Officer's Room.

Virendra Kumar Singh — A.K. Ojha — R.K. Sinha

(V.K.Singh)
Charge-sheeted
Employee

(A.K.Ojha)
Defence Representative

(R.K.Sinha)
Management
Witness No.1

A. Bose 28/11/85

(A.K.Bose)
Presenting Officer

Alok Prasad

(Alok Prasad)
Enquiry Officer

Exhibit - 1

Today at about 10.45 AM a few employees came to my seat. Two employees, Sarvashri Sheoji Singh and B.K.Singh whom I can easily identify, assaulted me on the face. My nose and the portion near the left eye started bleeding and immediately I rushed to the Manager's chamber and reported the matter. My spectacle was broken on the spot. My handkerchief was blood-stained with the removing of blood by me from my face and blood-stain can be seen in my shirt also. Besides, a few employees of the Section, Shri S.K.Chakravarty, Asst. Security Officer of the Bank was present at the time of incident. He came to my rescue and saved from further assault.

Sd/-
M.M.Lal,
Staff Officer Gr.A
Manager's Section

8.2.1985

/COPY/

15.10.85
P.O.

Exhibit - 2

MANAGER'S SECTION

8th February 85.

MGR.3717/22(2)-84/85. 19th Magha 1906.

The Officer-in-Charge,
Gandhi Maidan Police Station,
Patna.

Dear Sir,

On 7th February 1985 at about 11.00 AM a group of employees numbering about 40/50 assembled near the Manager's Section chamber in the Reserve Bank premises and confronted Shri M.M. Lall, an officer of our Bank. They humiliated and intimidated him holding him responsible for stoppage of confirmation of the employees and granting extra-ordinary leave without pay and allowance to many employees of the Bank. They threatened that if he is not removed from the desk, further consequences will follow. After the members were pacified by the Personnel Officer, Shri S.Srinivasan, they dispersed. Two employees who were aggressive during the course of unlawfulassembly were placed under suspension under the Reserve Bank of India (Staff) Regulations.

Today, a few employees went tothe desk of Shri M.M.Lal at about 10.45 AM and assaulted him on his face. Shri M.M.Lal's report is enclosed. You are requested to take necessary action againt the employees who have assaulted Shri Lal.

Yours faithfully,

Sd/-
S.S.Ranade
Manager

P.S. The Bank's Medical Officer was immediately summoned by us in the Manager's room. He has examined Shri M.M.Lal and given his report and the same is attached.

Encl: 2

15.10.85

/copy/

Exhibit-3

Patna, 8.2.85

To,

Shri M.M.Lal

Examined him in Manager's chamber at 1 PM

- Stated to have been injured by fist on lt. side of face.

O/E - General condition normal.

No sign of any fracture on clinical examination.

Minor superficial abrasion on lt. side of nose, cheekm and upper eyelid.

Vision of both eyes normal.

Sd/- G.G.Singh
8/2/85

Seal of Bank's Medical Officer
Reserve Bank of India
Patna-1.

/COPY/ 15.10.85 P.O.

Exhibit-4

Assault on Mr. M.M.Lal, Staff Officer
Grade A on 8.2.1985 during duty hours

On 8.2.1985 at about 10.40 AM, when I was sitting in my cabin in the Exchange Hall onground floor, I saw about 10-15 employees of Cash Department going towards Manager's Section through the stair near the main gate of the Bank. They were shouting 'Beat Lal Beat Lal' (Lal Ko Maro, Lal Ko Maro). Sensing some trouble, I immediately got upfrom my seat and followed them. All of them advanced to Manager's Section and straightaway went to Mr. Lal's ~~set~~ seat inLeave Cell. Shri Virendra Kumar Singh was leading the group of people and he was closely followed by Shri Sheoji Singh. On reaching the desk of Shri Lal, Shri V.K.Singh started giving blows at Mr. Lal's fac and immediately thereafter Shri Sheoji Singh also started giving blows. Since I was following them, I immediately went to Mr. Lal's rescue and saved him from further assault. I escorted both of them out of thescene of the incident. In the meantime, some other employees of the Manager's Section joined me in pushing these two and other employees away from Shri Lal's desk. I advised Shri Lal to rush into Manager's chamber. In the meantime, I saw some other employees of the Manager's Section stopping the entry of the other membersof the group of assaulters into Manager's Section chamber.

As a consequence of assaults on his person, Shri Lal suffered bleeding injuries on his face on the nose, left cheek and the upper lips with some minor superficial injury on the left eye-lid also. The spectacle of Shri Lal was also broken.

Immediately after Mr. Lal was sent toManager's chamber, the crowd started assembling at the gate of the Manager's chamber and they were asking for sending Mr. Lal outside. Seeing that the crowd ~~xx~~ was aggressive in nature, I rushed to the gate of Manager chamber and guarded the gate till the police summoned by the Bank arrived at the scene.

Sd/-
(S.K.Chakravarty)
Asst. Security Officer
9/2/1985.

/COPY/ 15.10.85 P.O.

Exhibit - 5

Assault on me during duty hours on 8.2.1985

In furtherance of my note dated 8.2.85, I have to elaborate that on 8.2.85 at about 10.45 AM, while I was performing my official duties in Leave Cell of Manager's Section, a few Class-III employees of the Bank hurriedly entered into the Manager's Section enclosure. They strainghtaway advanced towards me shouting in Hindi 'Come out, Come out' (Bahar Nikło, Bahar Niklo). The group of the employees was led by Shri B.k.Singh who (as per Bank's records, spells his name as Virendra Kumar Singh) and closely followed by Shri Sheoji Singh, Shri B.K.Singh came running to my desk and on approaching me, he started hitting at my face with great force. Once he had given two-three blows, Shri Sheoji Singh also followed suit and he also started giving me blows. Both these employees hit at my face without any provocation, having been caused by me to any of them. As a result of heavy blows on my face, my spectacles got completely smashed and I also got bleeding injuries on my face particularly on my nose, left cheek and upper lip. The eye-lid of my left eye also got minor superficial injury. I would have got grievous hurt to my body had Shri S.K.Chakraborty, Asst. Security Officer who had followed them, not come to my rescue. The intention of both the assaulters was, however, to cause grievous hurt to my body which was pre-meditated with a view to dishonour me publicly.

Shri Chakraborty removed both the assaulters from my seat one by one and also advised me to go to the Manager's chamber. While going to Manager's chamber, I saw other members of the assaulters party being stopped in the way by some other employees of the Bank On entering into the Manager's chamber, I told the Manager that I had been assaulted. Manager advised me to occupy a chair lying in front of him and alsoadvised me to wash out the blood from my face with the handkerchief, 3-4 drops of blood had also fallen on my shirt. Within minutes, I saw a crowd of employees assembling at the gate of Manager's chamber, shouting slogans demanding on the Manager that I should be sent out of the chamber. To escape the public view, I went to the chair placed on the left side of the Manager's steel chair i.e. just by the side of telephones.

In the meantime, the employees started demanding withdrawal of suspension orders served by him on two employees in connexion with the incident on 7.2.85 about which I have already given a report on the same day.

Since the crowdwas seen to be aggressive in nature, the police was called by the Bank, I saw the Police official sending messages on the phone, for more police force to control the raged crowd. I kept on sitting in the Manager's chamber till the police to whom an F.I.R. was handed down in the Manager's chamber itself, took me to the police station, South of Gandhi Maidan, Patna. At about 3.45 PM I was sent by the Police to the Gardner's Road, Hospital where I was medically examined at 4.45 PM immediately after the opening of the O.P.D ward. After the medical examination, I went back to the Police Station and with the permission of the Police Stationstaff, I went to my home at about 6.00 P.M. At the Gardner's Road Hospital, I was administered an anti-tetanus injection and some antiseptic liquid was applied on my wounds. I was also supplied 4 paracetamol tablets, out ofwhich one tablet was administered to me by the compounder in the hospital itself and I was advised to take further tablets six hourly if the bodily pain persisted, which I did. My OPD number in the hospital is 620 dated 8.2.85. Incidentally, I may also add that at about 1.00 PM when I was sitting in the Manager's chamber, I was also got examined by the B.M.O.(Dr. Gur Gyan Singh) whose medical report is on the record with the Bank.

I am submitting this report to the Manager, Reserve Bank of India, Patna for taking necessary action as deemed fit.

Sd/-
(M.M.Lal)
Staff Officer Gr.A
Manager's Section,
RBI, Patna.

Dated: 11.2.85

/COPY/

15.10.85
P.O.

List of witnesses/documents to be produced by the presenting officer to the domestic enquiry instituted against shri sheoji singh, clerk Gr.II, RBI, patna for proving charges levelled against him in charge-sheet NO.MGR.4596/22(2)-84/85 dated 02.04.1985.

LIST OF WITNESSES

1. shri M.M.Lal, SO Gr.B(Jaipur)
2. " Jhanda Ram, SO Gr.A(Chandigarh)
3. " S.Srinivasan, SO Gr.C (Bombay)
4. " S.C.Mitter, A.CY.O.(Claims)
5. " O.P.Brahmachary, SO Gr.A
6. " Rajni Kant Sinha, SO Gr.A
7. " S.K.Chakraborty, Asstt.Security officer

LIST OF DOCUMENTS

1. Report of shri M.M.Lal dated 08.02.85
2. -do- 11.02.85
3. F.I.R. dated 08.02.85
4. Report of shri S.K.Chakraborty, ASO dated 09.02.85
5. Medical report of Dr.G.C.Singh, RMO dated 08.02.85

14.10.85

(A.K.Bose)
presenting officer

proceedings of oral enquiry conducted into the charges framed against shri virendra Kumar singh, Clerk/Coin-Note Examiner Gr.II, as per charge sheet No.MGR.4597/22(2)-84/85 dated 2.4.85 , held in the Board Room on 14th October 1985 at 3.30 P.M.

present

1. Shri Alok prasad, Enquiry officer (EO)
2. Shri A.K.Bose, presenting officer (PO)
3. Shri A.K.Ojha, Defence Representative (DR)
4. Shri Virendra Kumar Singh, Charge-sheeted employee (CSE)

EO: Let us now start the proceedings. presenting officer and the Defence Representative may let me have their lists of witnesses and documents.

PO: same list ofdocuments and witnesses, as submitted ~~by~~ by me in the morning session, will be used in the enquiry for charges levelled against shri V.K.singh.

DR: My submi sions remain the same as was in the morning session of the enquiry i.e. in the case of shri Sheoji singh.

EO: Let us close the proceedings and the next session of the enquiry will be held on Wednesday, the 16th October 1985 at 3 p.m.

(Virendra Kumar singh)
Charge-sheeted Employee

(A.K.Ojha)
Defence Representative

(A.K.Bose)
presenting officer

(Alok prasad)
Enquiry officer.

Proceedings of oral enquiryconducted into the charges framed against Shri Virendra Kumar Singh, CNE GrII as per charge-sheet No.MGR.4597/22(2)-84/85 dated 2.4.85 held at the Visiting Officers' Room on 25th September 1985 at 3.30 PM

Present

1. Shri Alok Prasad, Enquiry Officer (EO)
2. Shri A.K.Bose, Presenting Officer (PO)
3. Shri A.K.Ojha, Defence Representative (DR)
4. Shri Virendra Kumar Singh, Charge-sheeted Employee(CSE)

EO: Let us start the enquiry proceedings. The decision regarding the validity of the enquiry has already been communicated to the Defence Representative during the morning session of the enquiry held in respect of Shri Sheoji Singh. I would therefore now request both the Presenting Officer and the Defence Representative to let me have their lists of documents and witnesses.

DR: I have nothing to submit more than what I had submitted in the morning session of the enquiry held in the case of Shri Sheoji Singh and seek the documents as I have already sought in the morning session before further proceedings.

PO: Since a decision has already been taken by the Enquiry Officer that the enquiry proceedings are legal and valid I request the Enquiry Officer that the enquiry should be proceeded with in the normal course. Since the Enquiry Officer has already stated that furnishing various documents to the Defence would depend on the documents which are being used by the Presenting Officer I insist that list of documents and witnesses should be furnished by the defence as well as me for smooth running of the proceedings.

EO: It would facilitate the conduct of this enquiry if all the documents etc which are required by the defence representative are indicated at one time, rather than in piecemeal manner. It is with this objective in mind that I have been requesting both the Presenting Officer and the Defence Representative to let me have the lists of documents and witnesses which they will be presenting in the enquiry.

DR: I have already sought the material which I want to use in my defence at this very stage and I again request the Enquiry Officer to direct the Bank accordingly. Regarding other documents I shall seek in due course when need will arise.

EO: Let us close this session of the enquiry and as desired by the Defence Representative the next session of the enquiry will be held on 14th October 1985 at 3.30 PM.

Virendra Kumar Singh — A.K.Ojha — A.K.Bose — Alok Prasad

(Virendra Kumar Singh) Charge Sheeted Employee

(A.K.Ojha) Defence Representative

(A.K.Bose) Presenting Officer

(Alok Prasad) Enquiry Officer

proceedings of enquiry conducted into the charges framed against shri virendra kumar singh, coin note examiner gr.II held on 2nd september 1985 at 11.30 AM vide charge sheet no.MGR.4597/22(2)/84-85 dated 2.4.85

present

1. shri Alok prasad, enquiry officer (EO)
2. shri A.K.Bose, presenting officer (PO)
3. shri A.K.Ojha, defence representative (DR)
4. shri virendra kumar singh, charge-sheeted employee (CSE)

EO: Let us start the enquiry proceedings. During the last session of the enquiry held on Friday, the 30th August 1985 in respect of shri sheoji singh, both the defence representative and the presenting officer had made lengthy submissions regarding whether this enquiry should be proceeded with or not. since the issues involved in respect of the present enquiry are the same, if the defence representative or the presenting officer has anything further to say they may do so.

DR: I have nothing to submit more than what I had already submitted in the last session of the enquiry in the case of shri sheoji singh. so, for today's session also, my submission remains the same.

PO: I also do not have any further submission to be made apart from what I have said in the enquiry of shri sheoji singh which was held on 30th August 1985.

EO: In view of what has been stated by the DR & PO; let us, for the present, close this session of enquiry proceedings. The next date of the enquiry would be advised in due course.

Virendra Kumar Singh — charge-sheeted employee

defence representative

Bose — presenting officer

enquiry officer

proceedings of oral enquiry conducted against shri virendra kumar singh, as per charges framed against him vide charge-sheet No. MGR.4597/22(2)-84/85 dated 2nd April,1985

present /on 6th August 198

shri Alok prasad : Enquiry officer (EO)
shri virendra kumar singh : charge-sheeted Employee (CS)
shri A.K.Ojha : Defence Representative (DR)
shri A.K.Bose : presenting officer (PO)

EO: Let us start the enquiry. I will first of allread out the charge-sheet to shri virendra kumar singh, the charge-sheeted Employee.

(EO then reads out the charge-sheet No.MGR.4597/22(2)-84/85 dated 2nd April 1985).

EO to CSE: Are the charges clear to you or not ?

CSE : Charges are clear.

EO: : Do you accept the charges ?

CSE : No.

EO : I would now request both the charge-sheeted employee as also the presenting officer to let me have the list of witnesses and list of documents which they would like to submit before the enquiry.

DR: : My submission is as was made in the morning session of the enquiry in the case of shri Sheoji singh.

PO: : In view of the ruling given by the Enquiry officer in the morning session enquiry, in the case of shri sheoj singh, that he would give his decision at a later date, I request the Enquiry officer to adjourn this proceedings till such time as he thinks fit.

EO: : Since the defence representative for the two enquiries i.e. that of shri Sheoji singh and shri virendra kumar singh is the same , the issues raised are identical. Thus the decision taken by me in the morning session stands for this proceedings also. The next date of for the enquiry may be fixed for Wednesday, the 14th August,1985 at 11.30 AM in the visiting officers' Room.

Virendra Kumar Sir Akojha 8/8/85 Bose Alok Prasad

(V.K.singh) (A.K.Ojha) (A.K.Bose) (Alok prasad)
charge-sheeted Employee Defence Representative presenting officer Enquiry officer

To

The Manager,
Reserve Bank of India,
Patna.

(Through : The Proper Channel)

Dear Sir,

Please refer to your letter No. PG,R 729/22(2)/85-86 dated 3.8.85. In this connection, I have to submit that being the Head of the institution and the disciplinary authority, the propriety of the enquiry proceeding in view of the issues of law raised by me in my letter dated 2.8.85 ought to have been decided by you instead of refering it to the enquiry officer whose work should have been started thereafter. Vesting of such power in the enquiry officer instead of confining him to the enquiry and establishment of facts, is against the principles of natural justice which is sine qua non in a departmental enquiry proceeding. Such action also confirms my contention that the enquiry is being proceeded with forehand decision.

In continuation of my previous letters , I have to further submit the following facts for your perusal and necessary action that provisions similar like that of Sastry Award also exist in our (RBI) Staff Regulation, 1948.

Regulation 47(1) deals with the punishments.

Regulation 47(2) deals with the procedure to be adopted to award punishments and Regulation (47(2) proviso deals with the conditions of waiving of the punishments and enquiries.

47(2) Proviso reads as - "Provided that the requirements of this sub regulation may be waived if the facts on the basis of ~~xxx~~ which action is to be taken have been established in a court of law or..... "

From the above reference, it is very clear that if certain fact are established in a court of law then the department cannot hold any enquiry into those facts.

Now, in the instant case the facts on the basis of which action is being taken is established that the charges levelled against me proved to be baseless.

In view of these submissions I would reguest you to give your final decision and therefore, the engquiry proceedings instituted against me be dropped immediately.

Yours faithfully,
Virendra Kumar Singh
(Virendra Kumar Singh)
Clerk/Coin-Note Examiner Gr. II
R.B.I., Patna.

Recd. one copy.
23/8/85

dt. 23/8/85

To, Shri Alok Prasad,
Enquiry Officer,
R.B.I. Patna.

Dated Aug 5th 1985

(Through: The Treasurer)

Sir,

Please refer to ~~your~~ letter no. MGR 715/22(2)/85-86 dated 3rd Aug. 1985. The most appropriate and legal course of action on the part of the Bank would have been not to pursue with the enquiry proceeding in view of my discharge from a Court of Law in a criminal case filed by the Bank and other provisions of law refd. to in my letter dated Aug. 2nd 1985. Instead, the Bank has preferred to pursue with the illegal enquiry proceeding overriding the findings of a court of law and for charges that could not be substantiated there. This action of the Bank coupled with haste in holding the enquiry at a barely 24 hours notice (because the letter has been given to me on 5.8.85) proves the malafide intention of the Bank.

However, it is procedurally expedient that the Bank's position vis-a-vis the points of law raised in my letter under reference be clear and its refusal of acceptance of the same be furnished

to me at the earliest. One week's time may also be given from the date of furnishing the refusal letter to enable me to seek necessary legal advice and hence the enquiry to be held on 6.8.85 may be suitably postponed.

Yours faithfully

Virendra Kumar

(Virendra Kumar Singh)

Clerk/Coin-Note Examiner Gr. II

R.B.I. Patna.

Received copy

5/8/85 (AN)

To

Dt. Aug. 2nd. 1985

The Manager,
Reserve Bank of India,
Patna.

(through: Shri Alok Pd. Inquiry Officer)

Sir,

While inviting reference to your letter no. MGR 515/22 (2)-85/86 dated July 27, 1985 and in continuation of ~~our~~ my previous letters I have to submit as follows :

That according to the provisions of the Shastri Award in respect of workmen in the banking sector a disciplinary inquiry cannot be started by the management against a workman once it has exercised its option of prosecuting him first in a criminal court. In view of this provision the enquiry proceedings will be violative of the Award and, therefore, should not be started.

That in the Criminal Case filed by the Bank I have been discharged by the court vide order dated 16.5.85 in case no. 139 (2) 85 as the charges were found to be baseless and lacking in material evidence whatsoever.

That considering the strength of the charges, the witness furnished by the Bank and independent witnesses examined by the police, the court has discharged me which proves conclusively that there has been no violation of departmental rules. In view of the lack of this violation the enquiry proceedings should not be started in terms of the provisions of the Shastri Award.

That even after discharge by the court the departmental enquiry for the same charges and on strength of the same witness will be illegal and against the principles of equity and natural justice.

In view of these facts, it is therefore, requested that the enquiry proceeding against me should not be started.

Yours faithfully,
Virendra Kumar Singh
(Virendra Kumar Singh)
Clerk/Coin-Note Examiner Gr. II
R.B.I.
Patna.

Dated June 24th, 1985

To,
Sri Alok Prasad,
Enquiry officer,
Manager's Section,
RBI, Patna
(Through: The Proper Channel)

Dear Sir,

With reference to the office letter no. MGR/ 5952 / 22(2) /84-85 dated 18th June, 1985 I have to submit that Shri Arun Kumar Ojha, General Secretary, Reserve Bank Worker's Organisation, Patna will conduct my defence on my behalf in the enquiry proceedings and I shall be bound by all that he does, says and signs in the course of this proceeding.

The required letter of deputation of Shri Ojha and the certified photo copy of registration certificate are attached herewith.

Yours faithfully,
Virendra Kumar Sien
(Virendra Kumar Singh)
clerk / CNE Gr. II
RBI, Patna.

Encl. 2

Xerox copy
25/6/85

Phone :-31455

Registration No. 2411

रिजर्व बैंक वर्कर्स आर्गेनाइजेशन

पटना

Reserve Bank Workers' Organisation, Patna

(AFFILIATED TO AIRBWO, NOBW & BMS)

OFFICE : 6/22, R' Block, Patna

Ref.....

Dated....24th June'85

To

The Manager,
Reserve Bank of India,
Patna.

Dear Sir,

Please refer to the office letter No. MGR/ 5952 /22(2)/84-85 dated 18th June, 1985 addressed to Shri Virendra Kr. Singh, CNE Gr II In this connection we have to inform you that Shri Arun Kumar Ojha, General Secretary, Reserve Bank Workers' Organisation, Patna has been deputed as its representative for the purpose of conducting defence on behalf of Shri Virendra Kumar Singh in the enquiry proceedings. We have also to inform you that Shri Balendu Prasad Srivastava, Senior Executive Committee member of the Organisation has been deputed by us to assist Shri Ojha during the proceedings.

The necessary certified photo copy of the certificate of Registration of RBWO is attached herewith.

Yours faithfully,

Encl.One.

(Anand Kumar Singh)
Secretary.

Shri Alok Prasad
Enquiry Officer
Reserve Bank of India
Manager's Section
Patna

(Through the Treasurer, Cash Deptt., RBI, Patna)

Dear Sir

With reference to office letter No. MGR.5852/22(2)/84-85 dated 10th June 1985 I have to submit that my defence shall be conducted on my behalf by Shri Arun Kumar Ojha, General Secretary of the local Reserve Bank Workers Organisation of which I am an ~~executive~~ Executive Member. But as he is out of station on remittance duty the enquiry to be held on 17th June 1985 at 3 P.M. may kindly be stayed till his return. The associated relevant documents shall also be submitted at that time.

Yours faithfully
Virendra Kumar Singh

(Virendra Kumar Singh)
Clerk/ONE Grade-II
Cash Section 'C'
Reserve Bank of India
Patna.

Dated : 14th June 1985

Read one copy
62
14/6

टेलेक्स : 022-278
TELEX : 022-278
तार : "रिजर्विस्ट
TELEGRAMS : "RESERVIST"

भारतीय रिजर्व बैंक
पटना - 800 001

RESERVE BANK OF INDIA
PATNA-800001
MANAGER'S SECTION

पोस्ट बैग नं० 162
POST BAG No. 162

टेलिफोन पी. बी. एक्स. नं० 25121 (10 लाइन)
Telephone PBX No. 25121 (10 Lines)
कृपया पत्रोत्तर में उद्धृत करें :—
Please quote in reply :—

संदर्भ सं० : Ref. No. MGR/5852/22(2)/84-85

10th June 19 85
20th Jyaistha 1907 (शक) (Saka)

Shri Virendra Kumar Singh
Clerk/Coin-Note Examiner Gr.II
Cash Department
Reserve Bank of India
Patna.

(Through: The Treasurer, Cash Deptt., RBI, Patna)

Dear Sir

With reference to this office Chargesheet No. MGR.4597/22(2)/84-85 dated 2nd April 1985 framing certain charge/s against you and your reply thereto dated 17th April 1985, you are advised that the undersigned, who has been delegated the enquiry under Regulation 47 of Reserve Bank of India (Staff) Regulations 1948, will hold the enquiry at 3 P.M. on 17th June 1985 in the Visiting Officer's room. You should present yourself at the enquiry at the appointed time and date. You may, if you so desire, defend yourself in person or through a representative of Reserve Bank Employees' Association. In the latter case, you should submit the name of the representative by 15th June 1985 alongwith a letter from the Association to the effect that the nominee has been deputed as its representative. You should also file a statement in writing that you nominate the representative to appear on your behalf and will be bound by all that such representative may do, say and sign. A list of your witnesses, if any, whom you would like to produce at the enquiry may also be furnished by 15th June 1985.

Yours faithfully

Alok Prasad

(Alok Prasad)
Enquiry Officer

The Manager,
Reserve Bank of India,
Patna.

Sir,

Please refer to your letter No.MGR/ 5521 /22(2)-84/85 dated 18th May 1985. In this connection I have to submit that it is an universally acknowledged principle of law that the enquiry officer of a body entrusted with the responsibility of dispensing justice must be a person whose position is not likely to colour the action of dispensation procedurally or substantially. In my case it is unfortunate that an enquiry has at all been set up on unfounded and fabricated charges and the enquiry has been entrusted to an officer who at the same time happens to be alongwith the ~~complainant~~ complainant officer (Mr. M.M.Lal) an office-bearer of the Officers' Association and his close friend. In the circumstances the enquiry will not be fair and according to the principles of equity and justice. Your decision in the letter under reference may, therefore, be revised.

Date : 24.5.85

Place : Patna

Yours faithfully,

Virendra Kumar Singh

(Virendra Kr. Singh)
Reserve Bank of India,
Patna.

Copy forwarded to the General Secretary, Reserve Bank Workers' Organisation, Patna.

Recd copy

24/5/85

( )

To,

The Manager,
Reserve Bank of India,
Patna.

Through: The Treasurer, Cash Department, RBI, Patna.

Sir,

With reference to the Endt.No.MGR.5264/22(2)-84/85 dated 6th May 1985, I have to say that the delegated enquiry officer Shri Alok Prasad, Staff Officer Gr.'C', Exchange Control Department, Reserve Bank of India, Patna of the enquiry set up against me is the office bearer of the same officer's organisation of which Sri M.M.Lall, the complainant had also been the office bearer. Therefore, I doubt that the judgement delivered by the Enquiry Officer (The Judge) may not be impartial and free from bias.

It is, therefore, requested to change the Enquiry officer so that I may not be subjected to a partial and bias judgement.

Yours faithfully,

Sd/-

Dated - 17.5.85.

Coin-Note Examiner Gr.II
Cash Department,
Reserve Bank of India,
Patna.

Copy forwarded to the General Secretary, Reserve Bank Workers' Organisation, Patna.

(Virendra Kumar Sd/-

TELEX : 022-278
तार : "रिजविस्ट"
TELEGRAMS : "RESERVIST"

भारतीय रिजर्व बैंक

पटना—८००००१

पोस्ट बैग नं० १६२
POST BAG No. 162

RESERVE BANK OF INDIA

Manager's Section PATNA—800001

टेलिफोन पी. बी. एक्स. नं० २५१२१ (६ लाइन)
Telephone PBX No. 25121 (6 Lines)
कृपया पत्रोत्तर में उद्धृत करें :—
Please quote in reply :—

संदर्भ सं० : *Ref. No.*_____

6th May 85
16th Vaisakha 1907 (शक) *(Saka)*

MEMORANDUM

915

With reference to the Charge-sheet No.MGR.4597/22(2)-84/85 dated 2nd April 1985 issued to Shri Virendra Kumar Singh, Clerk/Coin-Note Examiner Grade II, Cash Department, Reserve Bank of India, Patna, the consequential enquiry under Regulation 47 of Reserve Bank of India(Staff) Regulations, 1948 and the procedure relating thereto with the exception of the final orders, is, in terms of sub-regulation (3) of the said Regulation hereby delegated to Shri Alok Prasad, Staff Officer in Grade 'C', Exchange Control Department, Reserve Bank of India, Patna.

2. Shri A.K.Bose, Staff Officer in Grade 'A',Exchange Control Department, Reserve Bank of India,Patna has been appointed as Presenting Officer in the above case in terms of Administration Circular No.2 dated 21st July 1976.

Sd/-

(S.S.Ranade)
Manager

End. No.MGR. 5264 /22(2)-84/85 of date

Copy forwarded for information and necessary action to:

i) Shri Alok Prasad, Staff Officer in Grade 'C',Exchange Control Department, Reserve Bank of India,Patna (Enquiry Officer).

ii) Shri A.K.Bose, Staff Officer in Grade 'A', Exchange Control Department, Reserve Bank of India,Patna (Presenting Officer) through the Asst.Controller, ECD,RBI,Patna.

iii) Shri Virendra Kumar Singh, Clerk/Coin-Note Examiner Grade II, Cash Department, Reserve Bank of India, Patna. through the Treasurer,CD,RBI,Patna

H.N.Basak

Personnel Officer

The Manager
Reserve Bank of India
Patna.

(Through : The Treasurer, Cash Department,
Reserve Bank of India, Patna).

Dear Sir

Please refer to your letter No. MGR.4597/22(2)-84/85 dated 2nd April 1985 I have to submit as under :-

1. I have already dewied the charge of mis-conduct and thereby breach of staff regulation levelled against me vide my letter dated 28th February 1985. Here, I further reiterate that I was in no way connected with the incident narrated in your above letter.

2. The wide variations in the charges levelled against me in the show cause notice dated 19th February 1985 and the present chargesheet amply indicate connivance and concoction at the higher level with ulterior motive.

3. I am an active trade union ~~wx~~ worker of Reserve Bank Workers' Organisation (Regd.), Patna and because of this, the charge has been levelled against me. This shows the vindictive attitude of the Management against me.

4. I would like to mention here that implicating a trade union worker falsely in an incident without any basis amounts to victimisation and an act of "unfair labour practice" on the part of Management as defined in the Industrial Dispute Amendment Act, 1984, warranting prosecution of the Management.

5. In view of the above and to avoid further precipitation of
/may the matter the proceeding against me/be immediately dropped.

Yours faithfully

Virendra Kumar Singh

(Virendra Kumar Singh)
Clerk/Coin-Note Examiner Gr.II
Cash Department
Reserve Bank of India
Patna.

Dated : 17th April 1985.

Received copy
17/4/85

टेलेक्स : 022-278
TELEX : 022-278
तार : रिजर्विस्ट
TELEGRAMS : "RESERVIST"

भारतीय रिज़र्व बैंक
पटना-800 001

RESERVE BANK OF INDIA
PATNA-800 001

पोस्ट बैग नं० 162
POST BAG No. 162

Manager's Section

टेलिफोन पी. बी. एक्स. नं० 25121 (10 लाइन)
Telephone PBX No. 25121 (10 Lines)
कृपया पत्रोत्तर में उद्धृत करें :—
Please quote in reply :—

2nd April 19 85

संदर्भ सं० : Ref. No. MGR. A597 /22(2)-84/85 12th Chaitra 1819 (Saka)

Shri Virendra Kumar Singh,
Clerk/ Coin-Note Examiner Gr.II,
Cash Department,
Reserve Bank of India,
Patna

(Through: the Treasurer, Cash Department, Reserve Bank of India, Patna)

3/4

Dear Sir,

CHARGESHEET

You are hereby advised that the charges as set out in paragraph 3 below have been framed against you in the circumstances set out in paragraph 2 below.

2. (a) It is reported that at about 10.45 a.m. on 8th February 1985, you alongwith Shri Sheoji Singh, Clerk Gr.II led a group of Class III employees to the Manager's Section and unauthorisedly entered the enclosure of that section. The employees came shouting in Hindi 'Come out', 'Come out' in a most aggressive and threatening manner against Shri M.M.Lal, Staff Officer working in the Manager's Section.

(b) It is further reported that you, followed by Shri Sheoji Singh, immediately advanced towards the seat of Shri Lal with threatening gestures. On reaching Shri Lal you are reported to have hit him on the face, with your closed fist with great force. Shri Sheoji Singh also joined you in the assault of Shri Lal and both of you together administered severe and several blows to Shri Lal resulting in bleeding injuries.

(c) It is also reported that Shri S.K.Chakraborthy, Asst.Security Officer rescued Shri Lal from further attacks.

(d) It is further reported that as a result of the assault by heavy blows administered on his face, Shri M.M.Lal's spectacles got smashed and he received bleeding injuries.

p.t.o.

3. You are, therefore, charged with having committed a breach of office discipline, acts of misconduct and acting in a manner detrimental to the interests of the Bank, within the meaning of Regulation 47 of the Reserve Bank of India (Staff) Regulations, 1948 by acting in the aforesaid manner.

4. This chargesheet is accordingly being issued to you in pursuance of Regulation 47 of the Reserve Bank of India (Staff) Regulations, 1948.

5. You are hereby called upon to answer the above charges in writing or in person in which case your defence will be taken down in writing and read out to you. Any defence that you may wish to proffer, together with a list of witnesses you may wish to examine, should be submitted to the undersigned not later than close of business on 17th April 1985.

Yours faithfully,

S S Ranade

(S.S. Ranade)
Manager

The Manager
Reserve Bank of India
Patna.

('Through : The Treasurer, CD, RBI, Patna)

Sir,

In pursuance of your letter No. MGR 3882/22(2)-84-85 dated 19th February 1985, I submit that the alleged allegation is shocking and surprising.

I have never assulted Mr. M.M.Lall SO Gr 'A' attached to leave Cell of the Manager Section, as such commission of any act of misconduct and breach of discipline is unfounded.

I, therefore, request you that the show cause issued to me may kindly be withdrawn.

Yours faithfully,

Virendra Kumar Singh

(Virendra Kumar Singh)
Clerk/Coin Note Examiner Gr.II
Cash Department
Reserve Bank of India, patna

Dated : 28th February 1985

Received Original
28/2/85

तार : "रिजर्विस्ट"
TELEGRAMS : "RESERVIST"

भारतीय रिज़र्व बैंक
पटना ८००००१

पोस्ट बैग न०१६
POST BAG No.16

RESERVE BANK OF INDIA
PATNA-800001

Manager's Section

टेलिफोन पी. बी. एक्स. न० २५१२१ (६ लाइन)
Telephone PBX No. 25121 (6 Lines)
कृपया पत्रोत्तर में उद्धृत करें :—
Please quote in reply :-

19th February 1985

संदर्भ सं० : Ref. No. MGR.382/22(2)-84/85 30th Magha 1906(शक) (Saka)

Shri Virendra Kumar Singh,
Clerk/Coin-Note Examiner Gr.II
Cash Department,
Reserve Bank of India
Patna

(Through: the Treasurer, Cash Deptt., RBI,Patna)

Dear Sir,

It has been reported that on 8th February 1985 at about 10.45 AM you alongwith Shri Sheoji Singh, Clerk Gr.I and a few other employees went to the seat of Shri M.M.Lal, Staff Officer Grade A attached to Leave Cell of Manager's Section and assaulted him on the face causing bleeding injury on the nose and near the left eye. His spectacle was also broken on the spot. It has further been reported that Shri S.K.Chakravarty, Asst.Security Officer of the Bank who was present at the time of the incident came to the rescue of Shri Lal and saved him from further assault.

2. By your aforesaid act you have committed an act of gross mis-conduct and breach of office discipline.

3. You are called upon to show cause why disciplinary action should not be instituted against you.

4. Your explanation should reach the Manager's Section on or before 28th February 1985.

Yours faithfully,

S.S.Ranade

(S.S.Ranade)
Manager

Operation of the Award - Pg 169, Ch XLI, S-627 (All India nature of Tribunal) — Wherever any general directions in this award are found to conflict with any specific subject matter in dispute, the latter shall prevail over the former.

S 631 - Pg 171 Chasty Hand — Principles applicable to banking industry as a whole

S 535 Chasty Award — Dep. inquiry can be instituted after acquittal from court only for gross misconduct - violation of departmental rules and charges other than those for which he was prosecuted.

S 505 - Substantive overriding S 521 procedural

S 515 - applicable to moral turpitude only. Is accused moral turpitude?

Pg 137 i Case law - 1st para - acquittal because prosecution failed to furnish evidence (it is not benefit of doubt(-) enquiry officer can not sit as appellate Court - (1975)

Pg 137 i Case law 2nd para - preponderance of judicial opinion.... that if there is a substantial acquittal of the accused in a criminal charge, then there should not be departmental proceedings against him in respect of the same charge....

— discharge owing to lack of evidence = technical discharge -) Pg 1388 1st para. Enquiry can be held even after acquittal — 1981 Slim —

के अन्तिम शुक्रवार को) निधि-वितरण के विभिन्न मदों के समेकन का रजिस्टर
(AS ON LAST FRIDAY OF JUNE/DECEMBER 198...) AND TPP-2 (AS

तिमाही Quarter :......................198......

मद Item :..........

कार्यशील पूंजी वित्त (नकद ऋण के जैसे चल खातों के लिए) अतिरिक्त ऋण-सीमा स्वीकृत Working capital Finance (For running accounts like cash credit)— Additional Credit Limits sanctioned				1980-82 की अवधि Credit Plan for	
जनवरी-जून/जनवरी-दिसम्बर 198.. के दौरान During January June/January-December 198...		ऋण-योजना के प्रारंभ से यथा-जनवरी 1980 से जून/दिसम्बर 198...तक Since commencement of Credit Plan i.e. Janu. 1980 till June/Dec. 198...		अल्पकालीन ऋण एवं मीयादी Short-Term Loans and Term Loans	
खातों की सं० No. of A/cs.	राशि Amount	खातों की सं० No. of A/cs.	राशि Amount	खातों की सं० No. of A/cs.	वितरण की राशि Amount disburs
10	11	12	13	14	15

Wrong chargesheet – alleged misconduct u/s 40 Staff R Act on acct of assault – un proved – no misconduct

gross misconduct – acts of ... on Pg 143.

Charge is on basis of the same fact which were before the Court –

Pg 437 – (d) – evidence not sufficient to establish charge – Conclusion of court cannot be circumvented

1. Request for production of complaint (? ...
2. Examination of complainant as witness – Pg 144 140

The Manager,
Reserve Bank of India,
Patna

(Through: the Accounts Officer, PDO, RBI, Patna)

Dear Sir,

Reply to the show-cause notice
(Ref.Charge-sheet No.MGR.4597/22(2)-84/85
dated 2nd April 1985)

Kindly refer to your show-cause Notice No.MGR. 1307 /22(2)-90/91 dated 24th September 1990.

With due respect and humble submission I state the following facts for your kind consideration:

(i) I am really innocent and I have not committed any breach of office discipline in any manner.

(ii) During my preceding 12 years of service, I have always given due respect to my superiors in the Bank. I, therefore, humbly and respectfully request you to kindly consider exonerating me and not to award me any punishment as I have not committed any act of mis-conduct in the Bank.

Yours faithfully,

Virendra Kumar Singh

(Virendra Kumar Singh)
Clerk/CNE Gr.II
Public Debt Office,
RBI, Patna

25.9.90

Dated: 25.9.1990

टेलेक्स : 022-278
Telex : 022-278
तार : "रिजर्विस्ट"
Telegram : "RESERVIST"

भारतीय रिजर्व बैंक
पटना—800 001

पोस्ट बैग नं० 162
Post Bag No. 162
टेलिफोन पी.वी.एक्स. नं० 55851, 55908
Telephone PBX No. 55765, 55712
55513, 55569
55612, 55663
55816, 55958

RESERVE BANK OF INDIA
Manager's Section PATNA—800 001

कृपया पत्रोत्तर में उद्धृत करें :—
Please quote in reply :—

24th September 1990
2nd Asvina 1912 (शक) (Saka)

संदर्भ संख्या : Ref. No. MGR. 1307 /22(2)-90/91

Shri Virendra Kumar Singh,
Clerk/Coin-Note Examiner Gr.II,
Public Debt Office,
Reserve Bank of India,
Patna

(through:the Accounts Officer, PDO, RBI, Patna)

Dear Sir,

Show-cause Notice

(Ref. Charge-sheet No.MGR.4597/22(2)-84/85 dated 2nd April 1985)

You are hereby informed that the Competent Authority has, after considering the evidence led in the enquiry, come to the conclusion that the charges contained in the charge-sheet under reference has been established and proved. A copy each of the report of the Enquiry Officer and the findings arrived at by the Competent Authority is enclosed.

2. The Competent Authority proposes to impose the following penalty on you:-

"In terms of Regulation 47(1)(a) of the Reserve Bank of India (Staff) Regulations, 1948, Shri Virendra Kumar Singh, Clerk/Coin-Note Examiner Gr.II may be reprimanded."

3. You are also informed that if you have any representation to make against the proposed penalty, you may submit your representation in writing or in person on or before 1st October 1990.

4. If you fail to make the representation as aforesaid, the Competent Authority will proceed on the basis that you have no representation to make against the proposed penalty.

Yours faithfully,

(M.N.Singh)
Personnel Officer

Encl: 20 sheets

Disciplinary proceedings instituted against Shri Virendra Kumar Singh, Clerk/Coin-Note Examiner Gr.II vide the charge-sheet No.MGR. 4597/22(2)-84/85 dated 2nd April 1985 - Findings of the Competent Authority

I have gone through the report dated 6th May 1987 submitted by the Enquiry Officer and the record of enquiry proceedings in respect of the charges framed against Shri Virendra Kumar Singh, Clerk/Coin-Note Examiner Gr.II vide the charge-sheet No.MGR.4597/22(2)-84/85 dated 2nd April, 1985 issued to him. I am satisfied that the enquiry has been held in accordance with the prescribed procedure and principles of natural justice and that adequate opportunity has also been afforded to the charge-sheeted employee (CSE) for defending himself before the enquiry.

2. I am not in full agreement with the findings of the Enquiry Officer that the charges, that Shri Virendra Kumar Singh (CSE) acted in the manner as indicated at paragraph 2 of the charge-sheet referred to above and committed a breach of office discipline, acts of misconduct and acted in a manner detrimental to the interests of the Bank, stand proved beyond reasonable doubt.

3. Sarvashri Virendra Kumar Singh and Sheoji Singh are reportedly involved in the same incident that occurred on 8th February, 1985 and the charge-sheets issued are almost identical in nature. Even the Enquiry Officer and the Presenting Officer as also the Management's witnesses are the same 4 persons so much so that they, by and large, deposed similarly before the enquiry. The Enquiry Officer has also observed that the enquiry proceedings in respect of the charge-sheets issued to Sarvashri Virendra Kumar Singh and Sheoji Singh have certain degree of commonality inasmuch as the enquiries in respect of both of them pertained to the same incident and the charges as also the Defence

.....p.t.o.

Representatives for both the employees were the same. As such, both the cases are not mutually exclusive so as to be treated in isolation.

4. In both the cases the solitary eye-witness happens to be Shri S.K.Chakravarty, Asst.Security Officer(MW-2) who had testified before the enquiry in the same way in both the cases. Hence it would not be in the fairness of things to rely on his statement in the instant case only as absolutely authentic. No other witnesses, who were present in the Manager's Section enclosure, could unequivocally testify that the charge-sheeted employee was seen assaulting Shri M.M.Lal, the complainant.

5. In the case of Shri Sheoji Singh, the Enquiry Officer had observed that the deposition of the defence witness - Shri Shiv Narayan Prasad, Staff Officer Gr.A, then attached to the Claims Section seemed to give an accurate reflection of the fact that the charge-sheeted employee was sitting with him at the time of the incident in the Manager's Section. Unlike this, in the instant case, the Enquiry Officer did not rely on the similar sort of deposition made by the defence witness - Shri K.P.Singh, Asst.Treasurer that Shri Virendra Kumar Singh (CSE) was with him in Section 'D' at the time of the incident for the simple reason that the name of the CSE was included in the list of the employees subjected to wage-cuts. The reason for wage-cuts being reduction in the day's quota in the relative Department/Section, having quota work, the same cannot be taken as the conclusive evidence in respect of the charge-sheeted employee to the exclusion of many others as having committed the offence.

6. I have also perused the service file of Shri Virendra Kumar Singh (CSE). It reveals that he has a spotless service record in the Bank. He has been found well-disciplined,

cooperative and good mannerly with one and all. There is nothing adverse against his manners and conduct.

7. Keeping in view the overall position as also the nature of complaint and the status of the complainant, I propose that in terms of Regulation 47(1)(a) of the Reserve Bank of India (Staff) Regulations, 1948, Shri Virendra Kumar Singh, Clerk Gr.II, be reprimanded.

8. I direct that a copy of my findings togetherwith a copy of the Enquiry Officer's report be served on Shri Virendra Kumar Singh and he be issued the usual notice to show cause as to why the proposed punishment should not be imposed on him.

M. N. Govindaraj

(M.N.Govindaraj)
Manager
Competent Authority
Reserve Bank of India,
Patna

Dated: 24th September 1990

Summation of Presenting Officer in the Domestic Enquiry held against Shri V.K. Singh, Common Cadre Grade II, Reserve Bank of India, Patna, vide Chargesheet No.MGR.4597/22(2)-84/85 dated 2nd April 1985

In terms of Manager's orders dated 6th May 1985, I was appointed as Presenting Officer to examine the charges levelled against Shri Virendra Kumar Singh, Common Cadre Grade II vide Chargesheet No.MGR.4597/22(2)-84/85 dated 2nd April 1985. The following charges were levelled against Shri V.K. Singh in the above referred chargesheet:

"..... having committed a breach of office discipline, acts of misconduct and acting in a manner detrimental to the interests of the Bank, within the meaning of Regulation 47 of the R.B.I. (Staff) Regulations, 1948.....".

In course of the Domestic Enquiry, four Management Witnesses (MW) - including the complainant, Shri M.M. Lall - and seven Defence Witnesses (DW) were examined and cross-examined. For the sake of convenience, I would briefly state the main points of each witnesses' deposition, as made by them during the enquiry sessions held on various dates.

MANAGEMENT WITNESSES

M.W.I

Shri R.K. Sinha, Staff Officer Grade 'A'

On 8th February 1985, the date of alleged assault on Shri M.M. Lall, the witness was attached to Manager's Section. He was, however, away from Manager's Section between 10.30 A.M. and 11.00 A.M. on 8th February 1985 as he had some official work in Officers' Lounge which is situated on the second floor of the Bank building. While working in Lounge that day, between 10.30 A.M. and 11.00 A.M., Shri Sinha was informed by some-one that:-

(a) there was a slogan shouting crowd in Manager's Section (on the first floor); and

(b) Shri M.M. Lall, Staff Officer Grade 'A' had sustained some injury to his person.

....2

On his return to Manager's Section from the Lounge, after 11 A.M., the witness saw Shri M.M. Lall inside Manager's Chamber with injury "above his eye-brow". As stated by the witness, Shri Lall looked distressed. He also saw other Senior Officers of the Bank present inside Manager's Section at that time, along with Shri M.M. Lall.

M.W.2
Shri S.K. Chakraborty, Asstt. Security Officer

On 8th February 1985, at about 10.40 A.M. or so, the witness saw a group of persons rushing from ground floor to first floor shouting "Lall ko maro" (beat Lall). He followed the group to Manager's Section. The charge-sheeted employee was in the said group. On reaching Manager's Section, the charge-sheeted employee went to Shri Lall's desk and started hitting him with blows. Owing to the assault, Shri Lall's spectacles were broken and he suffered bleeding injuries on nose, lips and eyes. At that time, the witness intervened and escorted Shri Lall to Manager's Chamber. Meanwhile, a large number of employees had assembled outside Manager's Chamber. The crowd was shouting "Lall ko bahar nikalo" (send Lall out). Sensing the grave situation, police was called in by the Bank. On the following day (i.e. 9th February 1985), the witness submitted a written report to the Bank about this incident. The said report has been submitted to the Enquiry.

M.W.3
Shri O.P. Brahmachary, Staff Officer Grade 'A' (now Staff Officer Gr.'B')

The witness was posted in Manager's Section on 8th February 1985. At about 10.30 A.M. or so, he saw some people rushing inside Manager's Section. Within moments, he saw M.W.2 escorting Shri M.M. Lall to Manager's Chamber. He observed that Shri Lall's spectacles were missing. The witness helped M.W.2 in removing Shri Lall from Manager's Section to Manager's Chamber. There, the witness observed some

.....3

abrasions on Shri Lall's forehead. The police was called in. Shri Lall was medically examined by Bank's Medical Officer, Dr. G.G. Singh.

M.W.4

Shri M.M. Lall, Staff Officer Gr.'A'
(now Staff Officer Gr.'B', Jaipur)

I shall not state anything about the deposition of Shri M.M. Lal as -

(a) he is the complainant and the present charge-sheet was issued on the basis of his complaint;

(b) his deposition before the enquiry was in agreement with his complaint; and

(c) a copy of the said complaint has been lodged with the Enquiry.

DEFENCE WITNESSES

D.W.1

Shri Ghanshyam Pandey,
Common Cadre Gr.II

At about 10.15 A.M. on 8th February 1985 he came to know about the suspension order served on Shri A.K. Ojha, Common Cadre Grade II. Thereafter, he went to Manager's Section along with Sarvashri K.K. Dwivedy, Bharat Singh, A.K. Ojha and Rameshwar Pandey. On seeing them, Shri M.M. Lall nervously got up from his seat, fell down and hurriedly went inside Manager's Chamber, followed by M.W.3. The witness did not see either M.W.2 or the chargesheeted employee inside Manager's Section at that time. The witness has also confirmed assembly of slogan shouting employees outside Manager's chamber and arrival of the police.

D.W. No.2

Shri Rameshwar Pandey, Coin/Note
Examiner Grade I

Almost same as D.W. No.1

D.W. No.3

Shri K.K. Dwivedy, Clerk Grade I

Almost same as D.W. No.1

D.W. No.4

Shri Jayanand Tiwary,
Common Cadre Gr.II

On 8th February 1985 he reported to Section 'B' of the Cash Department, along with the charge-sheeted employee. At about 10.30 A.M. both of them were asked to report to Section 'D'. They went to Section 'D' and stayed there upto 11.00 A.M. or so. After 11.00 A.M. they joined the demonstration which was being held outside Manager's Chamber.

D.W. No.5

Shri K.P. Singh, Asstt. Treasurer

On 8th February 1985 the witness was posted in Section 'D' of the Cash Department. The charge-sheeted employee reported to his section on that day at about 10.30 A.M. and stayed there upto 11.00 A.M. Thereafter, he - along with other employees - left the section en masse. In course of the cross-examination, the witness admitted that the possibility of an Examiner leaving the section, without Assistant Treasurer's knowledge, cannot be ruled out. This may happen before issue of seals/distribution of notes to the examiners.

D.W. No.6

Shri Md. Shakoor, Clerk Grade II

On 8th February 1985 Shri Md. Shakoor, Clerk Grade II was posted in Manager's Section. He confirmed that the employees were restive on account of suspension orders issued by the Bank to their colleagues. He has also stated to have heard about injuries sustained by Shri Lall. He saw the complainant in the evening on that day but did not see any injury to the person of Shri Lall.

D.W. No.7

Shri Zafar Alam Khan,
Common Cadre Grade II

On 8th February 1985 the witness was posted in Manager's Section. He did not see anyone assaulting Shri Lall. On that day, at about 10.30 A.M., he saw Shri Lall falling from

.....5.

his seat and proceeding towards Manager's Chamber. He did not enquire of the complainant as to why and how he fell down from his seat.

An impartial analysis of the depositions made by the witnesses before this Enquiry would reveal the following facts:

i) As the Bank opened on 8th February 1985, at 10.15 A.M., a group of Class III employees was in an agitated and restive mood. This was on account of suspension orders served on their colleagues by the Bank.

ii) These suspension orders were issued for reasons pertaining to the area of Shri Lall's responsibility. Thus, there was reason for the concerned employees to get annoyed with Shri Lall.

iii) A group of employees unauthorisedly entered into Manager's Section between 10.30 and 10.45 A.M. on 8th February 1985.

iv) Something untoward happened with Shri M.M. Lall on 8th February 1985 between 10.30 A.M. and 10.45 A.M. which forced him to leave Manager's Section and take shelter inside Manager's Chamber.

v) There was a mass demonstration, outside Manager's Chamber, in the morning hours on 8th February 1985.

vi) The atmosphere prevailing in the Bank on 8th February 1985 was grim and tense. For this reason, all Senior officers of the Bank had assembled inside Manager's Chamber and police had to be called in.

vii) Consequent upon the assault on the complainant, his spectacles were broken and he suffered bleeding injuries to his person.

On the basis of the foregone analysis, I would request Enquiry Officer's attention to:

i) The deposition of M.W. No.2, Shri S.K. Chakraborty, Assistant Security Officer. Shri Chakraborty followed the

....6.

concerned group of employees, from the ground floor to Manager's Section which is on the first floor of Bank building. As an eye-witness to the entire episode, he has given a vivid description of how the charge-sheeted employee assaulted the complainant while he was engaged in transacting official business at his desk. He has stated that as on 8th February 1985 he knew the charge-sheeted employee. As such, there was no possibility of any confusion, on his part, regarding the identity of the assaulter. He has also seen Shri V.K. Singh dealing blows to Shri M.M. Lall. Immediately after that, he separated Shri V.K. Singh from Shri M.M. Lall and escorted the latter to Manager's Chamber. The deposition of M.W.2 corroborates the complaint lodged by Shri M.M. Lall against Shri V.K. Singh.

ii) In course of his cross-examination, D.W. No.5 - Shri K.P. Singh, Assistant Treasurer, has said that an Examiner might move out of cash section for sometime without the knowledge of Assistant Treasurer.

iii) Some of the depositions made by defence witnesses deserve a close scrutiny. D.W. Nos.1, 2, 3 and 7 have stated to have seen the complainant falling down inside Manager's Section. D.W. No.6 did not actually see him falling, but heard about the 'fall' subsequently from others. None of them, however, tried to help the complainant or ascertain from him, even later on, how it all happened. It is incomprehensible as to how or why D.W. Nos. 6 and 7 (leave alone others) failed to enquire of Shri Lall about the incidence when all of them were working in Manager's Section.

None of the defence witnesses has observed any injury to the person of Shri Lall. Apart from the statements of Management Witnesses, the Bank's Medical Officer has also certified the injury suffered by Shri Lall.

The above facts indicate that the defence witnesses were 'tutored' to present the entire episode in a manner which is far from the truth.

In view of the above, it is proved beyond reasonable doubt that Shri V.K. Singh, Common Cadre Grade II, had actually indulged in acts of misconduct on 8th February 1985. The charges framed against him in the captioned chargesheet are true.

Bose

(A.K. Bose)
Presenting Officer.

14th April 1987.

na:

Charge-sheet No.MGR.4597/22(2)-84/85 dated 2nd April 1985 issued by Manager, Reserve Bank of India, Patna to Shri Virendra Kumar Singh, Clerk/Coin-Note Examiner Grade II, Reserve Bank of India, Patna - Enquiry Officer's Report

Shri Virendra Kumar Singh, Clerk/Coin-Note Examiner Grade II was, in terms of charge-sheet No.MGR.4597/22(2)-84/85 dated 2nd April 1985, charged with breach of office discipline, acts of misconduct and acting in a manner detrimental to the interests of the Bank.

1.2 The relevant portions of the charge-sheet are given below:-

" 2.(a) It is reported that at about 10.45 a.m. on 8th February 1985, you alongwith Shri Sheoji Singh, Clerk Gr.II led a group of Class III employees to the Manager's Section and unauthorisedly entered the enclosure of that section. The employees came shouting in Hindi 'Come out', 'Come out' in a most aggressive and threatening manner against Shri M.M. Lal, Staff Officer working in the Manager's Section.

(b) It is further reported that you, followed by Shri Sheoji Singh, immediately advanced towards the seat of Shri Lal with threatening gestures. On reaching Shri Lal you are reported to have hit him on the face, with your closed fist with great force. Shri Sheoji Singh also joined you in the assault of Shri Lal and both of you together administered severe and several blows to Shri Lal resulting in bleeding injuries.

(c) It is also reported that Shri S.K. Chakraborthy, Asst. Security Officer rescued Shri Lal from further attacks.

(d) It is further reported that as a result of the assault by heavy blows administered on his face, Shri M.M. Lal's spectacles got smashed and he received bleeding injuries".

1.3 To look into the above charges, the Enquiry, under Regulation 47 of the Reserve Bank of India (Staff) Regulations, 1948, was delegated to the undersigned, in terms of

this office endorsement No.MGR.5262/22(2)-84/85 dated 6th May 1985.

1.4 From the management side, Shri A.K. Bose, Exchange Control Officer (Staff Officer Grade 'A' at that point of time), was appointed as the Presenting Officer. On behalf of the charge-sheeted employee, Shri A.K. Ojha, Clerk/Coin-Note Examiner Grade II, acted as the Defence Representative.

1.5 The first session of the Enquiry was fixed for 28th June 1985. The first sitting of the Enquiry was, however, held on 6th August 1985. The last session of the Enquiry was conducted on 22nd April 1987. During this period of one year and ten months approximately, a total of 58 enquiry sessions were fixed. However, on account of postponements due to a variety of reasons, only 33 sessions were actually held.

1.6 For presenting the case from the Bank's side, the Presenting Officer submitted a list of 7 witnesses (Annexure I). The Defence Representative, in turn, submitted an interim list of 6 witnesses (Annexure II). The witnesses finally presented by the management side were limited to 4 (including the complainant himself - Annexure III). From the defence side, a total of 7 witnesses were finally presented (one more than the number initially proposed - Annexure IV).

1.7 The Presenting Officer, in support of the Bank's case, submitted 5 documents (M-1 to M-5 - Annexure V). The defence side submitted only one exhibit, for the perusal of the undersigned (Annexure VI).

1.8 The following additional facts pertaining to the Enquiry may also be stated.

(a) The Enquiry was conducted both in English and Hindi. The preliminary sessions, examination and cross-examination of the management witnesses and the concluding sessions were conducted in English. However, the examination and cross-examination of the defence witnesses were conducted entirely in Hindi. This was done in accordance with the

request made by the Defence Representative.

(b) The enquiry proceedings in respect of the above charge-sheet and the charge-sheet issued in respect of Shri Sheojee Singh (Charge-sheet No.MGR.4596/22(2)-84/85 dated 2nd April 1985) have a certain degree of commonality. This has been on account of the fact that the Enquiries in respect of both the employees viz., Shri Virendra Kumar Singh and Shri Sheojee Singh were in respect of the same incident and the charges as also the defence representative for both the employees were the same.

1.9 It may also be mentioned that the charge-sheeted employee had, initially, objected to the appointment of the undersigned as the Enquiry Officer on the ground that the undersigned was an office-bearer of the Officers' Association and a close friend of the complainant, Shri M.M. Lal. The objection of the charge-sheeted employee had, however, been overruled by the Competent Authority.

1.10 In the first session of Enquiry which was held on 6th August 1985, the charges were duly read out and the charge-sheeted employee asked whether he accepted them. The charge-sheeted employee totally denied the charges. Thereafter, the Defence Representative took the stand that the Domestic enquiry proceedings are illegal as the charge-sheeted employee has already been acquitted by a Court of Law. The undersigned, after carefully listening to the arguments of both the sides, took the view that the contention of the Defence Representative is not acceptable and that the Enquiry should be proceeded with. Apart from the issue mentioned above, a few other procedural/technical matters were raised by the Defence Representative during the course of the first five sessions of the Enquiry. Thus, the examination of witnesses from the Bank's side could commence only with the sixth sitting of the Enquiry.

2. The methodology, which the undersigned has adopted for examining the case, is outlined below:-

(a) An outline of the scenario from the management side.

(b) An outline of the scenario from the defence side.

(c) An analysis of the arguments and evidence presented by the two sides.

(d) The undersigned's conclusion.

3.1 The incident, as reconstructed by the management side, is that on 8th February 1985, at about 10.45 A.M., a group of Class III employees of the Bank rushed into the Manager's Section enclosure. After entering the enclosure, this group, which was shouting in Hindi 'Come out, come out' (Bahar Niklo, Bahar Niklo), straightaway advanced towards Shri M.M.Lal (the complainant), who was attending to his official duties, as Staff Officer, Leave Cell. The group was, allegedly, led by Shri V.K. Singh, the charge-sheeted employee. Shri V.K. Singh, the charge-sheeted employee, on reaching Shri Lal's desk, began hitting him i.e. Shri Lal, on the face with great force. About 2-3 blows were received by Shri Lal on his face. Apart from blows given by Shri V.K. Singh, Shri Sheojee Singh, the other charge-sheeted employee, also administered a few blows. As a consequence of the blows received by Shri Lal on the face, his spectacles were completely smashed. Also,his nose, left cheek and upper lip got injured/cut, leading to some bleeding. Shri S.K. Chakravarty, Assistant Security Officer, who had been closely following the group of slogan shouting employees, immediately went to Shri Lal's rescue and saved him from further assault. Further, the other members of the group were prevented from reaching Shri Lal's desk by some employees attached to the Manager's Section. Shri Chakravarty removed Shri V.K. Singh, the charge-sheeted employee, from Shri Lal's desk and advised Shri Lal to immediately go to the Manager's chamber. Shri Lal,thereafter, remained seated inside the Maager's chamber, where he was subsequently examined by the Bank's Medical Officer. Meanwhile, a group of Bank's employees gathered outside the Manager's chamber.

This group was shouting slogans demanding that Shri Lal should be sent out from the chamber. Since the group seemed to be quite aggressive, it was felt necessary to call the Police. The Police came to the Bank's premises and an FIR regarding the assault was lodged with them, in the Manager's chamber itself. Shri Lal was later sent by the Police authorities to the Gardiner Road Hospital for medical examination.

3.2 In support of the above reconstruction of the incident, the management side submitted as exhibits the reports of Shri M.M. Lal of 8th February 1985 and 11th February 1985, the report of Shri S.K. Chakravarty, Assistant Security Officer of 9th February 1985, the medical examination report of 8th February 1985 given by the Bank's Medical Officer, Dr. G.G. Singh and copy of the FIR dated 8th February 1985 lodged with the Police authorities. Apart from the documents mentioned above, a vivid description of the incident was given by Shri Chakravarty, Assistant Security Officer (Management Witness - 2). He, in his deposition, recounted that on 8th February 1985, at about 10.40/45 A.M., he was sitting in his chamber, in the Exchange Hall. At that time, he suddenly saw a group of 10-15 slogan shouting persons going towards the Manager's Section. He followed them and saw that they rushed into the Manager's section enclosure. Thereafter, he saw that Shri V.K. Singh, the charge-sheeted employee, moved towards Shri M.M. Lal and assaulted him. Shri Chakravarty categorically stated in his deposition that he saw Shri V.K. Singh giving blows to Shri M.M. Lal. Shri Chakravarty also confirmed before the Enquiry that his report of 9th February 1985 was a factual rendering of the events, as he actually saw them. Shri O.P. Brahmachary (Management Witness-3), who was, on the material date, working as Staff Officer (Discipline),Manager's Section, stated in his deposition that around 10.30 A.M. approximately, he heard some

commotion and saw some people rushing into the Manager's Section. Thereafter, he saw Shri Chakravarty, Assistant Security Officer, taking Shri Lal out of his seat and escorting him to the Manager's chamber. While he did not actually see the assault taking place, he too helped in taking Shri Lal to the Manager's chamber. Further, Shri Brahmachary confirmed that he saw some injury on Shri Lal's face. Shri M.M. Lal, the complainant (Management Witness-4), in his deposition, confirmed that he had been assaulted by Shri V.K. Singh (along with Shri Sheojee Singh) while discharging his official duties.

3.3 Accordingly, the Management side on the strength of the documents submitted and the depositions of various management witnesses and in particular, the statements of Management Witnesses 2 and 4, concluded that the charges stand proved beyond reasonable doubt.

4.1 The reconstruction of the incident from the defence side is that on 8th February 1985, at about 10.15 A.M., a few Class III employees learnt that Shri A.K. Ojha, Clerk/ Coin-Note Examiner Grade II (also acting as Defence Representative before this Enquiry) had been suspended by the Bank. On learning of the suspension of Shri A.K. Ojha, 4/5 employees got together and went in a group to the Manager's Section enclosure. The group consisted of Shri K.K. Dwivedi, Shri Bharat Singh, Shri Rameshwar Pandey, Shri Ghanshyam Pandey and Shri A.K. Ojha (all Class III employees). This group reached the Manager's Section enclosure at around 10.30 A.M. and went in to enquire about the reasons for the suspension of Shri A.K. Ojha. At this point in time, the situation in the Manager's Section was absolutely normal. Shri Lal, the complainant, on seeing Shri A.K. Ojha, got up from his seat, hurriedly, and in the process, stumbled and fell. Thereafter, he recovered, got up, and quickly moved into the Manager's chamber, followed by Shri O.P. Brahmachary, Staff Officer. No injuries were discernible on Shri Lal's body. Also, at this juncture,

Shri S.K. Chakravarty, the Assistant Security Officer, was not present in the Manager's Section. Also, Shri V.K. Singh, the charge-sheeted employee, was not with this group of 4-5 employees. In the Manager's Section, this group of employees was unable to get the required information in respect of Shri A.K. Ojha's suspension as the concerned officers were either absent or busy. Being in a somewhat disturbed frame of mind, the 4/5 employees in question did not wait to get the requisite information and left the Manager's Section enclosure. Meanwhile, employees began collecting outside the Manager's chamber. The persons gathered outside the Manager's chamber started shouting slogans such as 'Withdraw the suspension order' (Nilamban Aadesh Wapas LO), etc., etc. After 10 to 15 minutes of the slogan shouting, the Police arrived. Finally, at around 12 O' clock, the group dispersed.

4.2 The above account is based on the depositions of defence witnesses 1 to 7. Shri Ghanshyam Pandey, Common Cadre Grade II (DW-1) and Shri Rameshwar Pandey, Coin/Note Examiner Grade I and Shri K.K. Dwivedi, Clerk Grade I stated before the Enquiry that they were in the group of 5 employees which, on 8th February 1985, went to the Manager's Section, at around 10.30 A.M. They further stated that on seeing this group of employees, Shri M.M. Lal, the complainant, became nervous, hurriedly got up from his seat and fell down. On getting up, he quickly moved into the Manager's chamber followed by Shri O.P. Brahmachary. All the 3 witnesses (DW-1 to DW-3) stated that neither Shri V.K. Singh, the charge-sheeted employee, nor Shri S.K. Chakravarty, Assistant Security Officer, were present inside the Manager's Section at that time. Further, they confirmed that a group of slogan shouting employees gathered outside the Manager's chamber and that the Police was called to the Bank's premises, at around 11.15 A.M. Shri Jayanand Tiwary, Common Cadre Grade II (DW-4) testified to the effect that

on 8th February 1985, he along with Shri V.K. Singh, the charge-sheeted employee, was asked to report to N.E. Section 'D' at about 10.30 A.M. He also stated that they both went to Section 'D' and stayed there upto 11.00 A.M. approximately and then, after 11.00 A.M., they joined the demonstration being staged outside the Manager's chamber. Shri K.P. Singh, Assistant Treasurer (DW-5), deposed before the Enquiry that on 8th February 1985, he was attached to Section 'D' of the Cash Department. He further stated that on that day, Shri V.K. Singh, the charge-sheeted employee, reported to Section 'D' around 10.30 A.M. and did not go out upto 11.00 A.M. Shri Md. Shakoor, Clerk Grade II (DW-6), who was working in Manager's Section on 8th February 1985, stated before the Enquiry that as far as he could recollect, no incident of assault occurred in the Manager's Section on that day. He also stated that on account of the suspension orders issued in respect of two employees, the situation was somewhat abnormal. Further, he confirmed that he heard about injuries sustained by Shri Lal, even though he did not see any such injury on the person of Shri Lal on the evening of 8th February 1985. The last Defence Witness was Shri Zafar Alam Khan, Common Cadre Grade II (DW-7), who was working in the Manager's Section on 8th February 1985. He stated before the Enquiry that around 10.30 A.M., he saw Shri Lal falling on his seat and thereafter proceeding towards the Manager's chamber.

4.3 The Defence Side, as narrated above, has taken the stand that on 8th February 1985, the charge-sheeted employee was in his place of work, viz. N.E. Section 'D' till 11.00 A.M. and could, therefore, not have been at the scene of the alleged assault. Further, it has contended that Shri Lal probably got injured due to the fall he had on his seat. Thus, it has been concluded that there was no incident of assault on Shri Lal on 8th February 1985 and that the whole story is concocted.

5.1 From the scenarios outlined by the two sides, it may be observed that they have certain points of convergence and certain points of divergence. With a view to examining, analysing and judiciously evaluating the evidence on record, let us first of all, broadly, identify the areas of divergence and convergence, in the versions advanced by the two sides.

5.2 First of all, both sides are in agreement that on the morning of 8th February 1985, there was some tension in the Bank due to the suspension of two Class III employees. Secondly, both the sides are agreed that around 10.30 to 10.45 P.M., a group of Class III employees entered the Manager's Section. Thirdly, it is accepted by both the sides that at about 11.15 A.M., a large crowd of slogan shouting employees gathered outside the Manager's chamber. Fourthly, there is agreement that the Police was called to the Bank's premises after 11.15 A.M. i.e. after a group of employees had gathered outside the Manager's chamber. Lastly, there is no dispute on the point that Shri M.M. Lal, the complainant, got some injuries on his body on that date.

5.3 Coming to the points of disagreement, first of all, the size of the group, which went to the Manager's Section, is reported differently by the two sides. While the management side has taken the stand that the group which entered the Manager's Section was composed of 10-15 employees, the defence side has contended that only five employees entered Manager's Section enclosure. Secondly, there is a difference of view on whether the group was shouting slogans or not. The management side's tand has been that the group was aggressive and shouting slogans such as 'Bahar Niklo', 'Bahar Niklo' (Come out, come out). The defence side, on the other hand, has stated that the group of 5 employees which went to the Manager's Section enclosure, was absolutely peaceful and no slogans were

being shouted by them. The third and the most basic point of disagreement is on whether the CSE was in the group of employees which entered the Manager's Section enclosure. The management's forceful contention has been that the charge-sheeted employee was very much with the group of employees which entered the Manager's Section enclosure and was, in fact, leading the group. On the other hand, the plea taken by the defence side has been that, at the material time, the charge-sheeted employee was present in the Note Examination Section 'D' and that he left the Section much later i.e. after 11.00 A.M. and that he only joined the group of slogan shouting employees which had gathered outside the Manager's chamber. The fourth issue which is, in fact, directly linked to the third mentioned above, is that of whether the charge-sheeted employee actually assaulted Shri M.M. Lal, the complainant. The management side has argued that the charge-sheeted employee did, in fact, enter the Manager's Section enclosure and assault Shri Lal at around 10.45 A.M. The defence side has very strongly denied this contention of management side and has argued that since the charge-sheeted employee was in Note Examination Section 'D' upto 11.00 A.M. or so, there can be no question of his assaulting Shri Lal. The last point of difference is in respect of how Shri M.M. Lal got the injuries on his body. In line with the basic stand taken by the management side, the Presenting Officer and two of the management witnesses have stated that Shri Lal was injured on account of the blows which he received from the charge-sheeted employee. Contrariwise, the defence side has argued that the injuries which Shri Lal suffered, was not on account of the assault by the charge-sheeted employee but because he fell on his seat.

6.1 The points of dispute between the two sides, as are directly relevant to the charges, may now be examined in some detail.

6.2 In brief, the first charge against Shri V.K. Singh, the charge-sheeted employee, is that on 8th February 1985, at around 10.45 A.M., he (along with Shri Sheojee Singh) led a group of Class III employees to the Manager's Section and unauthorisedly entered the enclosure of the section. In other words, the issue basically is whether Shri V.K. Singh was, on the material date and at the material time, seen leading a group of Class III employees into the Manager's Section enclosure. Out of the 4 management witnesses which deposed before the Enquiry, two have stated that they actually saw Shri V.K. Singh in the Manager's Section enclosure. The prime witness in support of the management's charge is Shri S.K. Chakravarty, Assistant Security Officer (MW-2). In the proceedings held on 6th January 1986, during which the examination-in-chief of Shri Chakravarty was conducted, he categorically stated that "the group was led by Shri V.K. Singh and followed by Shri Sheojee Singh. Mr. V.K. Singh assaulted Shri M.M. Lal in the Leave Cell, in the Manager's Section". Similarly, Shri M.M. Lal, the complainant (MW-4), in the session held on 16th May 1986, stated that "a group of about 7-8 people started entering the Manager's Section enclosure at that time one by one. This group was led by Shri V.K. Singh followed by Shri Sheojee Singh". Thus, both MW-2 and MW-4 have stated in no uncertain terms that they saw a group of employees entering the Manager's Section enclosure and that this group wasled by Shri V.K. Singh. While MW-1 and MW-3 have not been very forthcoming on this issue, the testimony of MW-2 and 4 seems fairly convincing. Even if, we, for the sake of discussion, ignore the statement of the complainant, Shri M.M. Lal, the statement of Shri Chakravarty, Assistant Security Officer (MW-2) who was an independent eye witness of the alleged incident, gives the impression of being absolutely authentic. The defence side has, of course, taken the plea that Shri V.K. Singh, the charge-sheeted employee, was nowhere at the site of the

alleged incident and that he was, at that point of time (i.e. around 10.45 A.M.), sitting in the Note Examination Section 'D'. All the witnesses presented by the defence side (DW-1 to DW-7) have deposed directly or indirectly in support of the stand taken by the defence side. The question which now arises is to what extent can the testimony of the defence witnesses be accepted at face value. All the defence witnesses with the exception of DW-5 are Class III employees and well known to Shri V.K. Singh, the charge-sheeted employee. It would, therefore, not be surprising that they would take a stand in support of their colleague viz., Shri V.K. Singh, the charge-sheeted employee. Moreover, there are certain aspects of the depositions made by these defence witnesses which do not ring true. As an example, it may be mentioned that the description given by the various defence witnesses of how Shri Lal got up and fell on his desk does not seem at all convincing and realistic. Similarly, the explanation given by the various defence witnesses as to why they did not go to the aid of Shri Lal when they saw him falling, sounds unconvincing. The undersigned is, therefore, inclined to treat their depositions with some reservation. The defence side, in support of their stand, also produced an evidence, the Seal Register of Note Examination Section 'D' i.e. the section to which Shri V.K. Singh, the charge-sheeted employee, was attached on 8th February 1985. From the Seal Register, it would be observed that Shri V.K. Singh received the seals on that day. Shri K.P. Singh, Assistant Treasurer (DW-5), stated before the Enquiry (enquiry session of 9th December 1986) that shri V.K. Singh came to Note Examination Section 'D' at about 10.30 A.M. and that he left the section at about 11.00 A.M. During his cross-examination (i.e. cross-examination of DW-5), he accepted that before the distribution of the notes and the seals, it is possible for the employees to go out without taking specific permission of the sectional-

in-charges. However, once the seals have been distributed, employees cannot go out without taking specific permission. In sum, argument advanced is that since Shri V.K. Singh had received the seal on 8th February 1985, as has been confirmed from the Seal Register, he could not have left the section between 10.30 and 10.45 A.M. The Bank's normal procedure, which should be followed, supports the stand taken by the defence side. However, Shri K.P. Singh, Assistant Treasurer (DW-5) did also, during his cross-examination, state in somewhat confused manner that the possibility of an Examiner leaving the section without the Assistant Treasurer's knowledge cannot be ruled out. It, therefore, appears that the security etc. procedures in the Note Examination Sections are not adhered to with total rigidity. Thus, there is a likelihood of an employee leaving the section without taking the Assistant Treasurer-in-Charge's permission. Further, if the absence is of a small duration, it is quite likely that the Assistant Treasurer-in-charge may not notice the absence of the employee in question. This can be safely assumed, particularly since each Note Examination Section has at least 30 to 40 employees. In view of what is stated above, it is the undersigned's opinion that Shri V.K. Singh, the charge-sheeted employee, could have left the Note Examination Section 'D' between 10.30 and 11.00 A.M. without the knowledge of the Assistant Treasurer-in-charge. And since MW-2 and 4 have categorically affirmed that they saw Shri V.K. Singh, the chargesheeted employee, leading a group of employees into the Manager's Section, it seems quite clear that Shri V.K. Singh, the charge-sheeted employee, did, in fact, on 8th February 1985, at about 10.45 A.M., lead a group of Class III employees to the Manager's Section. The first charge [2(a) of charge-sheet No.MGR.4597/22(2)-84/85 dated 2nd April 1985] also states that Shri V.K. Singh, the charge-sheeted employee, leading the group, unauthorisedly entered the enclosure of the section. It also states that

the employees came shouting in Hindi 'Come out, come out' in a most aggressive and threatening manner. As regards the question of unauthorised entry into the enclosure of the section, it may be stated that all employees of the Bank have free access to the Manager's Section enclosure, the door of which is, in fact, not kept shut during the office hours. Thus, there can be hardly any distinction between authorised entry and unauthorised entry. On the issue whether the employees came shouting in Hindi 'Come out, come out', the depositions of even the management witnesses are not very categorical and positive. Thus, no definite conclusion can be arrived at on this point.

6.3 The second charge against the charge-sheeted employee is that he advanced towards the seat of Shri Lal with threatening gestures and on reaching Shri Lal, he reportedly hit him i.e. Shri Lal on the face with a closed fist with great force, as a result of which, Shri Lal suffered bleeding injuries. The issue arising out of the second charge basically is whether Shri V.K. Singh, the charge-sheeted employee, actually hit Shri Lal, the complainant, or not and whether Shri Lal got bleeding injuries as a consequence of the alleged assault. The management side, in support of this charge, has been able to produce only 2 witnesses (MW-2 and 4), out of which, one is the complainant himself. Thus, only one independent witness has deposed before the Enquiry in support of the charge. In view of the fact that only one independent witness has been presented by the management side, it is necessary that an in-depth analysis and evaluation is made of his deposition. Shri Chakravarty, Assistant Security Officer (MW-2), in his cross-examination (session of 6th January 1986) described in detail how at about 10.45 A.M., on 8th February 1985, he was sitting in his chamber in the Exchange Hall and then all of a sudden, how he saw 10-15 slogan shouting persons rushing to the Manager's Section. He has further stated that he followed this group led by

Shri V.K. Singh. On reaching the Manager's Section, he saw that Mr. V.K. Singh assaulted Shri Lal. Shri Chakravarty was asked whether he can state "how Shri V.K. Singh assaulted Shri Lal?". To this question, Shri Chakravarty replied, "gave blows in the face. Some bleeding injury was also in the nose and lips". Shri Chakravarty was also asked the specific question "Did you see Shri V.K. Singh giving blows to Shri M.M. Lal with his own hand?" The reply was, "Yes, yes, I have seen it".

The complainant, Shri M.M. Lal, in his deposition, also categorically confirmed that it was Shri V.K. Singh, the charge-sheeted employee, who assaulted him. In the session held on 16th May 1986, Shri Lal (MW-4) was asked the question, "Do you confirm that Shri V.K. Singh, who is present at this session of enquiry, was the person who hit you on that day?" He replied, "Yes, he is the same person who started beating me first with his blows". The categorical statement of both MW-2 as also the positive identification made by MW-4 does lend a great deal of support to the management stand. On the other hand, the other two management witnesses have not been explicit on this point. Shri O.P. Brahmachary (MW-3), who was, in fact, present in the Manager's Section at the time of the alleged assault, stated that even though he heard some commotion and people rushing into the Manager's Section, he did not see Shri Lal being assaulted. He has further stated that with the commotion, he rushed to Shri Chakravarty to help clear the people and he saw that Shri Lal was not looking his usual self and his spectacles were missing. He, thereafter, along with Shri Chakravarty, escorted Shri Lal to Manager's chamber.

6.4 The depositions of the management witnesses 2 and 4 represent direct and positive evidence in support of the charge of assault. In this context, it is also relevant to take note of the fact that neither Shri Chakravarty, Assistant Security Officer (MW-2), nor Shri Lal (MW-4) had any inter-

action or close dealings with Shri V.K. Singh, the charge-sheeted employee, prior to the date of the alleged assault. Thus, they have no ostensible reason for falsely complaining against the charge-sheeted employee and wrongly deposing before the Enquiry.

6.5 Another aspect which we may consider is whether Shri Lal, the complainant and Shri Chakravarty (MW-2) could have made a mistake about the identity of the person who led the group of Class III employees and inflicted blows on Shri Lal. Shri Chakravarty (MW-2) was, during the course of his cross-examination (session held on 7th February 1986 in respect of the enquiry against Shri Sheojee Singh - cross-examination of this session taken by the DR as being applicable in toto, toethe enquiry session in respect of Shri V.K. Singh), asked, "How did you know the names of only 2 employees in a group of 10-15 persons". He replied, "because Sheojee Singh and V.K. Singh both were leading the group. So my personal attention was drawn to them". He further stated that in an earlier incident where a few Cash Department people had obstructed in taking out notes from the vault, Shri V.K. Singh was present. This definitely goes to show that Shri Chakravarty had some idea about who Shri V.K. Singh, the charge-sheeted employee is. Shri Lal, the complainant (MW-3), during his cross-examination (enquiry session of 20th May 1986) was asked, "how did you recognise only two employees, Shri V.K. Singh and Shri Sheojee Singh. Did you ask some one who were there?" To the above question, Shri Lal replied, "I felt at the time of incident, the faces of two employees were not unfamiliar to me. I had a faint idea about their names also. At the time of incident also, some employees of Manager's Section had shouted at them saying them by name to remove them from my desk. As I came to Manager's Chamber, I again confirmed from the ASO, Shri Chakraborty that these were the employees with these names and he confirmed it. Though I was very sure of the identity of these persons, still to see that no mistake was committed

in the identity as well as the names of the persons, I referred to the official records and accordingly my reports were submitted". The statement of Shri Lal shows that he did not know Shri V.K. Singh, the charge-sheeted employee before hand and to that extent, his identification was dependent upon Shri Chakravarty's confirmation. However, before the Enquiry, he categorically confirmed that Shri V.K. Singh, the charge-sheeted employee, who was present there, was the person who assaulted him. This positive identification made before the Enquiry has to be given due weightage. In this context, it may also be stated that since Shri V.K. Singh, the charge-sheeted employee, was allegedly leading the group and was the first to hit Shri Lal, it is unlikely that Shri Lal would make a mistake about his identity.

The statements of the defence witnesses in support of the defence stand that Shri V.K. Singh was nowhere at the scene of the assault have to be regarded with some scepticism for reasons already mentioned in paragraph 6.2 above.

7.1 Paragraph 2(c) of charge-sheet No.MGR.4597/22(2)-84/85 dated 2nd April 1985 states that, "it is also reported that Shri S.K. Chakravarty, Assistant Security Officer, rescued Shri Lal from further attacks". This paragraph of the charge-sheet is not directly relevant to the basic charge of breach of office discipline, misconduct,etc. The undersigned is, therefore, not making any observations on it.

8.1 The final charge against Shri V.K. Singh, the charge-sheeted employee /paragraph 2(d) of the charge-sheet/ states that, "on account of the heavy blows received by Shri Lal on his face, his spectacles got smashed and he received bleeding injuries". This charge is only a corollary of the second charge which has been examined in depth in paragraph 6.3 above. However, the question whether Shri Lal, the complainant's spectacles got smashed and whether as a result of the assault, he received bleeding injuries needs further

examination. Both Shri Chakravarty (MW-2) and Shri Lal (MW-4) have, during their respective examination, categorically stated that the spectacles were broken. Shri Chakravarty (MW-2) was asked the question (enquiry session of 6th January 1986), "was there any sign of injuries on Shri Lal's person?", to which he replied, "his spectacles were broken and there was injury on his nose, lips and eyes". Shri Lal, the complainant, was also asked about this during his examination and he stated....."my specs have been broken then and there". Shri O.P. Brahmachary (MW-3), too, confirmed, during his examination that at the time of the commotion in the Manager's Section enclosure, he saw Mr. Lal, minus his spectacles. In view of the statements made by three of the management witnesses i.e. MW-2, 3 and 4, it seems quite clear that Shri Lal lost or broke his spectacles, when the commotion occurred in the Manager's Section enclosure. And since the evidence on record is indicative of the assault having actually occurred, it can be reasonably inferred that Mr. Lal's spectacles got broken or smashed as a result of the blows he received on his face. The other aspect which needs to be looked into is whether Shri Lal got bleeding injuries as a consequence of the assault. The medical report of 8th February 1985 submitted by the Bank's Medical Officer states that Shri Lal was examined at 1.00 P.M. in the Manager's chamber. As regards the condition of Shri Lal, it states, "minor superficial abrasion on left side of nose, cheek and upper eye lid". This medical examination took place after about two hours from the time the alleged assault occurred. Thus, even though no mention has been made of "bleeding injuries in the medical report submitted by the Bank's Medical Officer, the fact that abrasions were there on the nose, cheek and upper eye lid does indicate that Shri Lal had received injuries on his face.

9.1 Conclusion

Shri V.K. Singh, the charge-sheeted employee allegedly led the group of Class III employees into the Manager's Section enclosure and was the first to assault Shri Lal, the complainant. As the person who was ahead of the others and also the first assaulter, his identification and complicity in the incident has been established beyond reasonable doubt.

9.2 In view of the foregoing, the undersigned's conclusions in respect of the various charges are given below:

9.3 Charge - 1 (Para 2(a) of charge-sheet No.MGR.4597/ 22(2)-84/85 dated 2nd April 1985)

The evidence brought before the enquiry is sufficient to prove this charge. It is quite clear and beyond reasonable doubt that on 8th February 1985, at about 10.45 AM, Shri V.K.Singh, the charge-sheeted employee, led a group of Class III employees to the Manager's Section.

9.4 Charge-2 (Para 2(b) of the charge-sheet)

The second charge stands proved beyond reasonable doubt.

9.5 Charge - 3 (para 2 (c) of the charge-sheet)

No comments since it is not directly relevant to the issue of breach of office discipline, acts of mis-conduct etc.

9.6 Charge- 4 (Para 2(d) of the charge-sheet)

The evidence on record adequately substantiates the charge and it, therefore, stands proved.

Date: 6th May 1987
Place: Patna.

Alok Prasad
(Alok Prasad)
Enquiry Officer