

GOVT. OF NATIONAL CAPITAL TERRITORY DELHI
IN THE COURT OF THE REGISTRAR COOPERATIVE SOCIETIES
OLD COURT BUILDING, PARLIAMENT STREET, NEW DELHI-110001

F.47/AR/Banking/2015-16/C.D No. 107368010/6093-6099

Dated: 20/09/2023

In the matter of : -

DELHI NAGRIK SEHKARI BANK LTD.

.....COMPLAINANT

VERSUS

SH. RAJESH SHARMA

SH. NEERAJ TYAGI

SH. SANTOSH KUMAR

SH. SHIV KUMAR

.....RESPONDENTS

ORDER

This Order shall dispose of the proceedings initiated U/s 66 (2) of DCS Act, 2003 vide Show Cause Notice dated 08.11.2019 against Sh. Rajesh Sharma, Ex-Director, Sh. Shiv Kumar Sharma, Sh. Santosh Kumar Sharma, Sh. Neeraj Kumar Tyagi, Ex-Manager of Delhi Nagrik Sehkari Bank Ltd.

Whereas, a complaint dated 18.01.2016 was received from the Ex- CEO of the Delhi Nagrik Sehkari Bank Ltd. under the title "irregularities in enrolment of members of Karawal Nagar Branch of the bank".

Whereas, it was informed that Sh. Santosh Kumar Sharma, Daftri (dismissed) shared the conveyance charges illegally claimed by Sh. Shiv Kumar Sharma, Jr. Clerk. Further, in the saving account of Sh. Santosh Kumar Sharma, Daftri an amount of Rs. 18,67,135/- was deposited during the period of 01.01.2012 to 31.07.2014 under the instructions of Sh. Rajesh Sharma, Ex-Director. This amount was utilized for opening of accounts of prospective new members in the Bank. The amount of Rs. 18,67,135/- was of Sh. Rajesh Sharma as per the statement of Sh. Santosh Kumar Sharma.

Whereas, it was informed that Sh. Shiv Kumar Sharma, Jr. Clerk (dismissed) used to illegally claim conveyance under the verbal instructions of Sh. Rajesh Sharma, Ex-Director and half of conveyance charges claimed were given to Sh. Santosh Kumar Sharma, Daftri. Whereas, the conveyance charges so claimed amounts to Rs. 1,70,595/- which is misappropriation of funds of the bank by Sh. Shiv Kumar Sharma, Jr. Clerk and Sh. Santosh Sharma, Daftri (now dismissed) and is thus to be recovered from them.

Whereas, it was further alleged in the complaint dated 18.01.2016 that Sh. Neeraj Kumar Tyagi, manager (dismissed) was not only grossly negligent in performing his duties as Manager of Karwal Nagar branch but also abused his official position by allowing above mentioned activities with an ulterior motive which amounts to working against the interest of the cooperative bank.

SS/AP/IT
3/10/23



Whereas, the facts mentioned in the letter of the Officiating CEO showed that Sh. Rajesh Sharma Ex-Director was interfering in the day to day affairs of Karawal Nagar Branch which is clearly in violation of Para 2 of RBI master circular on BOD, UCBs.

Whereas vide inspection order dated 14.06.2017, Sh. Vinay Kaushik, SREO was appointed as the Inspection Officer to conduct the inspection u/s 61 of the DCS Act, 2003, Sh. Vinay Kaushik filed inspection report on 31.10.2017 and stated in his inspection report that the allegation made against the above named four were found to be correct/proved.

Whereas, to examine the matter further an inquiry was ordered vide letter dated 15.01.2018 appointing Sh. PC Jain, Spl. Director, WCD as Inquiry Officer who gave his inquiry report on 21.05.2018 U/s 62 of the DCS Act, 2003 and he also agreed with the contents of the complaint, inspection report and has stated in his inquiry report that the allegations made were correct and stand established.

Whereas to conduct further enquiry U/s 66(1) of DCS Act, 2003 into the matter, Sh. Sanjay Sharma was appointed as Inquiry Officer vide order no F.No.AR/Bkg/C.D. No. 107368010/2019/888 dated 18.01.2019.

Whereas, Sh. Sanjay Sharma, I.O. has now submitted his report U/s 66(1) dated 09.10.2019 bringing out various lapses on the part of 1. Sh. Rajesh Sharma, Ex-Director 2 Sh. Neeraj Kumar Tyagi, Manager (Dismissed) 3. Sh. Shiv Kumar Sharma, Junior Clerk (Dismissed) 4. Sh. Santosh Kumar Sharma, Daftry (Dismissed) and held them responsible for their negligence as detailed in the said report.

Whereas, a Show Cause Notice U/s 66 (2) of DCS Act, 2003 was issued to above mentioned officials providing them an opportunity of personal hearing and present their case on 22.11.2019.

Thereafter, further proceedings were held in the matter and replies were filed from the Respondents in their defence. Further the Bank had also filed written submissions in the matter where the bank has submitted a list of Loan accounts in the Delhi Nagrik Sehkari Bank Ltd.

After perusal of the replies of the Respondents and submissions of the Bank, it is noted that there was a complaint regarding "irregularities in enrolment of members of Karawal Nagar Branch of the bank". It has been alleged that the respondents have enrolled 240 members in the bank. Sh. Upender Garg, the then CEO of the Bank alleged that as per the 438 re-verification done by the officials/staff of the Bank, 255 members were come to the notice of the Bank who were not residing at the address available on record. Further it has been noted that approx. 59 members out of 240 of these members also availed the loan from the Bank. However, the Bank clarified that 56 loans out of the sanctioned 59 loans has already been recovered and only three loan accounts are pending as on date which are also regular loan accounts and the bank submitted that the recovery from these accounts will be made as per procedure. Further, the respondents as well as the Bank submitted that no financial loss has been occurred to the bank.



In view of the above mentioned facts and observations, undersigned is of the considered opinion that as there is no financial loss to the Bank caused due to allegations against Sh. Rajesh Sharma, Ex-Director, Sh. Shiv Kumar Sharma, Sh. Santosh Kumar Sharma, Sh. Neeraj Kumar Tyagi, Ex-Manager of Delhi Nagrik Sehkari Bank Ltd. and most of the loans are fully recovered. Hence, no surcharge/penalties can be imposed on aforesaid for recovery. Therefore, there is no case made out against the respondents under section 66(2) of DCS Act, 2003 and the proceedings against the respondents u/s 66(2) of DCS Act, 2003 are accordingly dropped.




19/09/23
Krishan Kumar

Registrar Cooperative Societies

Sent To:-

1. Sh. Santosh Kumar Sharma
2. Sh. Shiv Kumar Sharma
3. Sh. Neeraj Tyagi
4. Sh. Rajesh Sharma

through The CEO, Delhi Nagrik Sehkari Bank Ltd., 3C/5, Opp. Liberty Cinema, New Rohtak Road, Delhi-110005 with direction to file proof of service on all 4 respondents on record.

5. The CEO, Delhi Nagrik Sehkari Bank Ltd., 3C/5, Opp. Liberty Cinema, New Rohtak Road, Delhi-110005 with direction to file proof of service on record.
6. ARCS Banking O/o RCS.
7. Incharge Computer Cell with direction to upload on Department Website.


19/09/2023
Krishan Kumar

Registrar Cooperative Societies