



# Central Bank Officers' Association

## LUCKNOW UNIT



(Affiliated to : All India Central Bank Officers' Federation & All India Bank Officers' Confederation)  
Registration No. 2687 under Trade Unions Act, 1926

Central Office :: C/O Central Bank Of India, Zonal Office, 23 Vidhan Sabha Marg, Lucknow (UP)  
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CBOA/LKO/2015-16/CIR-36

22<sup>nd</sup> October, 2015

### TO ALL OFFICERS IN LUCKNOW UNIT

Dear Friends,

### **One more Centralite becomes victim of Management's tyranny – Mr. Deepak Talwar, Asstt. Manager, Sisahi Branch in Kanpur Region passes away**

Friends, you will recall that last month one of the bright, young and budding Centralite Mr. Avinash Chaudhary of Paudauli Bazar branch IN Gorakhpur Region lost his life since he was not granted leave for medical treatment. Before the family of Late Mr. Avinash could come out of the shock and bereavement, tyrant management of Central Bank gave inhumane blow to yet another family in Kanpur Region in the shape of untimely death of Mr. Deepak Talwar, Asstt. Manager of Sisahi branch. The upright, sincere and obedient officer Deepak Talwar was branded by this Management as a wrong doer and inflicted such a brutal punishment which he could not sustain and expired the same day.

Friends, Mr. Deepak Talwar has been made a scape goat so as to pave the way to shield the Chief Manager who was instrumental not only processing some of the proposals jointly with Late Mr. Deepak Talwar but also simultaneously sanctioning the same. If there was any flaw in the processing of the proposals by Late Mr. Talwar, it was open to the Sanctioning Authority *i.e.*, the Chief Manager of the branch to reject or overturn it. Some other proposals were processed by Late Mr. Talwar jointly with the Senior Manager of the branch but the Senior Manager has not been questioned. In some of NPA accounts the Chief Manager not only directed Late Mr. Talwar to debit CD Bankers Cheque Account and credit the amounts to NPA accounts so as to conceal their NPA status but also either authorized those entries himself or got them authorized from other officers at the branch but they have not been questioned. Thus, entire blame for the misdeeds of the Chief Manager has been thrust upon Late Mr. Talwar. As a result, a precious life has been lost squarely due to inhumane and insensitive approach of the RM Kanpur.

#### **The Backdrop**

On 16/10/2015 at about 4.30 p.m., RM Kanpur in CCPC meeting at RO which was being attended by some of the local Branch Managers of Kanpur, sarcastically boasted about Late Mr. Talwar in the following words :

“मैंने ठीक कर दिया, उसको क्लर्क बना दिया, initial stage पर ला दिया, जिंदगी भर कोई increment नहीं मिलेगा, जो भी पायेगा उससे लोन भरेगा और भूखों मरेगा । अब जीवन भर क्लर्क ही रहेगा, और वहीं से रिटायर होगा क्योंकि कि 32 request applications लगी हैं कानपुर के लिये।”

The same day, Mr. Deepak Talwar was served with the punishment order. Taken aback and shocked by the severity of the punishment, Mr. Talwar suffered a cardiac arrest and he was rushed direct to the hospital where he collapsed.

The Disciplinary Authority passed an order inflicting the punishment of “(i) Reduction to a lower post from JMGS-1 to Clerical Cadre” under Regulation 4(g); and (ii) Reduction to initial stage in the time scale of pay up to the date of superannuation *i.e.* up to 30/06/2015 with further directions that he will not earn increments of pay during the period of such reduction under Regulation 4(f)”. This is an unlawful order because Regulation 4(g) Central Bank of India (Officer Employees) Discipline & Appeal Regulations, 1976 do not provide to revert an officer to clerical cadre. What Regulation 4(g) says is that an office may be inflicted upon major penalty of reduction to a lower “**grade**” or “**post**”. Regulation 4(g) nowhere empowers the Disciplinary Authority to change the “**cadre**” of an officer to that of “**clerical**” or “**sub-staff**” as a punishment.

Similarly regulation 4(f) does not vest any authority in the DA to withhold increments up to stage of superannuation. In regulation 4(f) the authority has to specify whether during the period of reduction in the time scale of pay the future increments will or will not have the effect of postponing the future increments of his pay. Since the provision of availability of future increments is alive in the penalty provision itself, therefore disentitling an officer to earn future increments is totally illegal. Regulation 4(f) is applicable on officers where reduction to lower stage is done in officer cadre and not to clerical cadre. Therefore, inflicting the punishment of reduction to initial stage of clerical cadre is outside the scope of penalties prescribed in Regulation 4 and hence illegal.



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In order to cause irreparable injury and financial loss to Late Mr. Talwar, RM Kanpur got imposed two punishments for one departmental enquiry viz., (i) reverting him unlawfully to clerical cadre; and (ii) "Reduction to initial stage in the time scale of pay up to the date of superannuation". Both of these punishments are not provided for either in Regulation 4(f) or in 4(g). In the case of **Kamaruddin Pathan v. Rajasthan State Road Transport Corporation** [1988 (2) SLR P 200; SC Civil Appeal No. 1267 of 2006 (dated 24/02/2006)] it has been held that two penalties cannot be imposed in the same departmental enquiry.

### The Charges

In all there were six charges against Late Mr. Talwar out of which the first five charges relate to certain flaws in the processing of some loan proposals either by him singly or jointly with the Senior Manager/Chief Manager which were sanctioned by the Chief Manager of the branch and the sixth charge alleges that he deposited certain cash in his accounts or those maintained in his family members "which are beyond of his known-source of income". The gist of allegations contained in Charge Nos. 1 to 5 relating to eighteen borrowal accounts is given below :

- (i) Sales projections on which the limit has been sanctioned are on higher side.
- (ii) Recommending the borrower who was not eligible under Cent Trade Scheme.
- (iii) CIBIL report was not obtained/verified/scrutinized which contained adverse remarks against the borrowers.
- (iv) Account Statement/Credit Report was not obtained from previous bankers.
- (v) The ITR/VAT returns were not verified.
- (vi) CD A/c of the party to which the loan amount has been transferred was opened without TIN number.
- (vii) The projected turnover was achieved but debit credit summations are very low.
- (viii) Transactions in the account are not satisfactory since beginning.
- (ix) Periodical inspection of security is not carried by him.
- (x) Despite poor transactions, he recommended to enhance the limit on the strength of VAT return but after enhancement the transactions did not improve.
- (xi) He failed to write in the process note that the Chief Manager was not empowered to sanction the proposal.
- (xii) The audited financial statements were not obtained.
- (xiii) The stock statements have not been taken.
- (xiv) He failed to obtain VAT returns from the party.
- (xv) Status report of loans are also not obtained.
- (xvi) The Unit was started in rented premises which was a residential house and he failed to ascertain use of it which should be used for commercial purpose of residential purpose.
- (xvii) The cash withdrawals from the account were done. Thus, the party diverted the funds.
- (xviii) The entire funds have been disbursed without verifying the end-use of funds.
- (xix) He recommended the loan knowing fully well that CIBIL consumer score is 591/543/580.
- (xx) He recommended to sanction OD limit and Term Loan under Cent Sahyog Scheme wherein it has been observed that the transactions in the account are very poor.
- (xxi) The financial report prepared without verification of assets and liabilities.
- (xxii) He recommended credit facility where the seller is the mother of the purchasers and for this no justification has been mentioned in the process note; valuation report is kept in the file but no photograph of the property is annexed by the valuer and the valuation report has not been certified
- (xxiii) To keep the account as standard, unethical transactions were done by him by debiting Bankers' Cheque A/c to the credit of parties' borrowal accounts.

Out of eighteen accounts, the limit in one account was subsequently enhanced by RO. Moot point here is that if the very foundation of the loan was incorrect, then why the RO enhanced the limits ? In yet another case, the limit of the party was renewed after the transfer of Late Mr. Talwar. Then how can he be punished for such an account ? Three other accounts are Performing Assets and bank is earning interest thereon. Still, Late Mr. Talwar has been punished.

CIBIL reports in all the cases were generated by the Chief Manager who sanctioned the limits since the code for doing so was allotted to him only. Thus, he was in full know of things and managed to get process notes to suit his requirement.

No internet facility was available at the branch for verification of VAT.



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For all the charges, except Charge No. 6, the Chief Manager who sanctioned the subject limits has been issued a charge sheet. That being so, how Late Mr. Talwar could be punished? His role was confined only to processing and pre-inspection of the loans. If Late Mr. Talwar in any case erred in recommending a proposal, it was open to the Chief Manager to reject his recommendations since by any count since a Chief Manager is more knowledgeable, more matured and supposed to act always in the best interest of the Bank.

As to the charge of concealing the NPA nature of certain accounts, it was not the invention of Late Mr. Talwar but an idea invented by the Hon'ble Chief Manager who sanctioned those loans and advances. He directed Late Mr. Talwar to transfer certain amounts from CD Bankers' Cheques A/c to respective loan accounts at the time of closing and reversing the same the following 1<sup>st</sup> April. He himself authorized most of these entries while some others he got authorized from other officers. This being so, how could Late Mr. Talwar be punished for the misdeeds of the Chief Manager? Such maneuverings for concealment of NPA is rampant in Lucknow zone at the behest of the authorities that be in the Chair. Thus, on one hand the authorities under administrative duress get the NPA suppressed while on the other innocent officers are being charge sheeted and punished.

In regard to Charge No. 6 the IA categorically held that CSOE received heavy cash from the valid source but he recorded his findings on a new charge that Late Mr. Talwar indulged himself in concealing the facts for getting undue advantage. CSOE had to deposit full amount or its part in proper way providing PAN Number in SB Accounts. CSOE has been assessed by Income Tax Department for the last several years and he should have act accordingly as per norms." Thus the IA assumed the role of an Income Tax Officer and held the charge as partly proved on assumptions. Going a step further, the DA dissented with the findings of IA and held the charge as fully proved on the basis of surmises and conjectures. What a tragedy? Such miscarriage of justice has never been seen in the annals of departmental proceedings.

Above all, there was no charge of fraud or misfeasance against Late Mr. Talwar.

### Misadventures of RM Kanpur

Friends, in yet another shocking and insane move, RM Kanpur has made this sensitive internal issue public by the following post on his Facebook Account :



The above mischievous and absolutely uncalled for posting by RM Kanpur on his Facebook Account clearly demonstrates that he is sadistic and has no humane values. Instead of consoling the bereaved family, he is adding insult to the injury and assuming the role of a Doctor in declaring that Late Mr. Talwar died due to hypertension and not due to unbearable



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shock of brutal punishment order. RM Kanpur possesses super-natural diagnostic power of knowing the physical condition without even seeing the patient!

Friends, the same Regional Manager who has got an excessively disproportionate punishment inflicted upon Late Mr. Talwar procedural flaws, had himself sanctioned/enhanced limit of various parties during his tenure as RM Etawah wherein the Auditors are reported to have pointed out much glaring irregularities than what is alleged against Late Mr. Deepak Talwar e.g. :

### **Case 1 :**

1. At the time of sanction credit rating was CBI-07 which should be minimum CBI-5 hence **deviation** observed.
2. Consumer CIBIL report of firm not verified however partner's CIBIL Score is -1 due diligence not done in this respect."

### **Case 2:**

1. RO has accepted 100% capacity utilisation for MPBF purpose on the basis of a letter from party of 100% capacity utilisation.
2. Compliance certificate not available with record.
3. RO has accepted TOL/TNW for 2015 (Estimated) -2.80 & for 2016 (Projected) -2.52 while as per audited balance sheet of 2014 it is 5.05 (Deviation as per loan policy).

Record is replete with such glaring irregularities having been committed by Regional Manager while sanctioning loans and advances during his tenure at RO Etawah but we have cited only two examples for the sake of brevity. Will the norms on which the punishment of Late Mr. Talwar is based apply to the said Regional Manager too ? Friends, we know the answer to this question will be a big "NO" because there is an unregistered union of Scale-V, Scale-VI and Scale-VII officers in our bank who protect each other's interests and are seldom booked for wrong doings.

Friends, it is customary that whenever a staff member dies, at least the Regional Manager visits the family to console them. In the instant case, however, no representative from RO Kanpur, much less the Regional Manager, visited the family of Late Mr. Talwar in the hour of their crisis so as to console them.

**Words fail to deprecate and condemn contemptuous and brazen attitude and approach of RM Kanpur in handling sensitive matters by throwing away human values to the dustbin.**

I salute and convey my sincere thanks to more than 200 Centralites who attended the condolence meeting at RO Kanpur on 19<sup>th</sup> October, 2015. In protest against the Management's highhanded approach and victimization of Late Shri Deepak Talwar the officers in Lucknow zone on 20<sup>th</sup> October, 2015 observed black day by wearing black badges. Please wait for further course of action.

In view of this unfortunate incident, we advise all the members to ensure due compliance of the points mentioned at serial Nos. (i) to (xxii) above while recommending or sanctioning loans and advances and not to violate any norm/rule/guideline issued by Central Office. Nor should they exceed their vested lending authority. Further, no unlawful effort should be made to suppress the NPA as mentioned in point No. (xxiii) above notwithstanding any pressure exerted by the higher authorities.

Thanking you,

Yours sincerely

( A K Dwivedi )  
General Secretary

### PRINTED MATTER

(Posted under Clause 114 (7) of P & T Guide Part-I)

**From : A K Dwivedi**  
General Secretary, CBOA  
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23, Vidhar Sabha Marg  
**LUCKNOW ( U P )**

To

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