

SPEED POST



Government of India
National Commission for Scheduled Tribes
(A Constitutional Commission set up under Art. 338A
of the Constitution of India)

File No. BSB/5/2016/MFIN9/SEOTH/RU-IV

Dated: 19.06.2017

To,
The Chairman Cum Managing Director,
Union Bank of India,
Union Bank Bhawan,
239, Vidhan Bhavan Marg,
Nariman Point,
Mumbai- 400021
(Maharashtra)

Sub: Proceedings of the sitting taken by Hon'ble Vice Chairperson, National Commission for Scheduled Tribes (NCST) on 26.04.2017 at 03.00 P.M in the matter of Shri Bhagwat Shyamrao Bende, Nagpur, Maharashtra regarding reinstatement into service in Union Bank of India.

Sir,
I am directed to enclose a copy of the Proceedings of the Sitting taken by Hon'ble Vice Chairperson, National Commission for Scheduled Tribes on 26.04.2017 at 03.00 PM on the above mentioned subject for necessary action. Action taken report in the matter may be intimated to the Commission, at an early date.

Yours faithfully,

D.S. Kumbhare
19/6/17
(D.S. Kumbhare)
Under Secretary

Copy to:-

Shri Bhagwat Shyamrao Bende,
Sai Prasanna Apartment,
Plot No. 12, Flat No. 102,
Santh Kripa Socety,
Narendra Nagar,
Nagpur (Maharashtra)

3679-80
19/6/17

o/g

[पत्रावली: BSB/5/2016MFIN9/SEOTH/RU-IV]

श्री भागवत श्यामराव बेंडे, वरिष्ठ प्रबंधक, यूनियन बैंक ऑफ इंडिया द्वारा उन्हें पुनः सेवा में नहीं लेने के आरोप में माननीय सुश्री अनुसुईया उइके, उपाध्यक्ष की अध्यक्षता में दिनांक 26.04.2017 को अपराहन 03:00 बजे आयोग के सभाकक्ष में सम्पन्न हुई बैठक का कार्यवृत्त।

सुनवाई की तिथि 26.04.2017


सुनवाई में उपस्थित अधिकारियों की सूची अनुलग्नक "क" पर है।

प्रकरण का विवरण

श्री भागवत श्यामराव बेंडे, वरिष्ठ प्रबंधक, यूनियन बैंक ऑफ इंडिया ने उन्हें बैंक द्वारा पुनः सेवा में लिए जाने के संबंध में दिनांक 17.02.2016 को अभ्यावेदन दिया (प्रतिलिपि संलग्न), जिस पर दिनांक 01.03.2016 को आयोग ने अध्यक्ष एवं प्रबंध निदेशक, यूनियन बैंक ऑफ इंडिया से तथ्यात्मक रिपोर्ट मांगी। बैंक ने दिनांक 11.03.2016 (प्रतिलिपि संलग्न) को प्रकरण में प्रतिउत्तर प्रेषित कर अवगत कराया कि श्री बेंडे ने लापरवाही पूर्वक लोगों के पैसे का गैर कानूनी तरीके से बैंक के नियमों/प्रक्रियाओं की परवाह किए बिना ऋण स्वीकृत/वितरण किए हैं, जिससे इनकी अखण्डता पर सन्देह तथा कम इमानदारी की परिस्थिति में दण्डात्मक कार्यवाही करते हुए पदच्युत किया गया है। आयोग ने बैंक से प्राप्त प्रतिउत्तर से श्री बेंडे को दिनांक 27.04.2016 को पत्र द्वारा सूचित किया गया। प्रार्थी श्री बेंडे आयोग में प्रकरण की पैरवी करते रहे।

प्रकरण में आयोग ने संज्ञान लेकर अध्यक्ष एवं प्रबंध निदेशक, यूनियन बैंक ऑफ इंडिया को मामले में चर्चा हेतु दिनांक 26.04.2017 को अपराहन 03:00 बजे बुलाया। अध्यक्ष एवं प्रबंध निदेशक, यूनियन बैंक ऑफ इंडिया ने व्यक्तिगत रूप से उपस्थित होने की छूट मांगते हुये महाप्रबंधक (मानव संसाधन) को चर्चा हेतु भेजा।

महाप्रबंधक (मानव संसाधन), यूनियन बैंक ऑफ इंडिया ने प्रकरण में अवगत कराया कि श्री भागवत श्यामराव बेंडे ने बैंक में वरिष्ठ प्रबंधक रहते हुये लापरवाही पूर्वक ऋण प्रदान करने की प्रक्रिया का उल्लंघन करते हुए अकेले अधिकारी ने ही शाखा प्रबंधक की ऋण स्वीकृति की सीमा में बिना ग्राहक तथा डीलर सत्यापन के दलालों की मदद से 47 वाहन ऋण स्वीकृत एवं वितरण किए,


सुश्री अनुसुईया उइके/Miss Anusuiya Ulkey
उपाध्यक्ष Vice Chairperson
राष्ट्रीय अनुसूचित जनजाति आयोग
National Commission for Scheduled Tribes
भारत सरकार/Govt. of India
नई दिल्ली/New Delhi


जिसकी वार्षिक वित्तिय जाँच (ऑडिट) में ज्ञात हुआ कि ये सभी ऋण गलत तरीके से स्वीकृत एवं वितरित किए गए हैं ।

इस संबंध में श्री भागवत श्यामराव बेंडे ने अवगत कराया कि बैंक को लाभ पहुंचाने के उद्देश्य तथा ऋण लक्ष्य पूरा करने के लिये बैंक अधिकारियों के दबाव में मैंने प्राथमिक क्षेत्र के ऋण प्रस्तुत दस्तावेजों के आधार पर स्वीकृत एवं वितरित किए हैं, जिसमें किसी प्रक्रिया/नियम विरुद्ध कार्य नहीं किया गया । साथ ही यदि ग्राहक फर्जी निकलते हैं तो उसकी जिम्मेदारी मेरी नहीं बनती है । श्री बेन्डे ने यह भी अवगत करवाया कि बैंक द्वारा की गई जाँच में ग्राहकों के बयानों एवं दी गई जानकारी व तथ्यों का सत्यापन नहीं किया गया । इसके अतिरिक्त ऋण के पैसे आरटीजीएस या डिमांड ड्राफ्ट किसी से भी अन्तरित किये जाये परिणाम समान ही रहता है अतः इसे कार्रवाई का आधार नहीं बनाया जा सकता । बैंक में कर्मचारियों की कमी के कारण अकेले अधिकारी के रूप में ऋण स्वीकृति दी गई ।

बैंक से पूछा गया कि श्री बेन्डे की अपील पर क्या कार्रवाई की गई । तब बैंक अधिकारियों ने अवगत कराया गया कि इनकी अपील पर विचार किया गया परन्तु पाया कि इन्होंने अपनी अपील दो पृष्ठों की दी जिसमें पूर्ण जानकारी सभी बिन्दुओं देनी होती वह नहीं दी गई परिणामस्वरूप अपील को निरस्त कर दिया गया ।

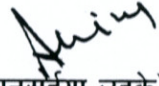
आयोग का मानना है कि

1. अभ्यावेदक ने बैंक का कारोबार बढ़ाने (4 करोड़ से 12 करोड़) के उद्देश्य से तथा लक्ष्य प्राप्ति को ध्यान में रखते हुए प्राथमिक क्षेत्र के ऋण स्वीकृत एवं वितरित किए हैं तथा समुचित मानव संसाधन के अभाव में ग्राहक व डीलरों का सत्यापन गहन रूप से नहीं हो पाया है लेकिन ऋण स्वीकृति एवं वितरण संबंधी प्रक्रिया में यदि एक से अधिक अधिकारियों को शामिल किया जाना था तो इसकी उच्चाधिकारियों ने 2 वर्ष 6 महीने तक क्यों उपेक्षा की ।
2. जिस वार्षिक वित्तिय जाँच (ऑडिट) का सन्दर्भ देकर अनियमितताओं की जाँच 2 वर्ष 6 महीने बाद की गई वो पिछली जाँचों में क्यों नहीं सामने आई ।
3. यदि ग्राहक फर्जी निकलते हैं तो इसकी जिम्मेदारी डीलर्स की भी बनती है, जिन्होंने विक्रय पत्र बैंक में जमा करायें हैं ।
4. बैंक द्वारा ग्राहकों तथा डीलरस के खिलाफ न्यायालय में मामलें दर्ज करवाये गये हैं तथा मामलें अभी विचाराधीन है । ऐसे में श्री बेन्डे को पदच्युत करने का निर्णय न्यायालय के निर्णय से पूर्व लिया गया जल्दबाजी का फैसला प्रतीत होता है


शुश्री अनुसुईया उइके/Miss Anusuiya Uikey
उपाध्यक्ष/Vice Chairperson
राष्ट्रीय अनुसूचित जनजाति आयोग
National Commission for Scheduled Tribes
भारत सरकार/Govt. of India
नई दिल्ली/New Delhi

उक्त सभी बिन्दु बैंक की ऋण स्वीकृति/वितरण व्यवस्था तथा निगरानी की खामियों की ओर इंगित करते हुए उच्चाधिकारियों के द्वारा समय रहते दखल नहीं देने से उत्पन्न समस्या का निरूपण करती हैं।

आयोग द्वारा अभ्यावेदक को सलाह दी जाती है कि वह एक दया याचिका बैंक को पुर्नविचार हेतु प्रस्तुत करें तथा बैंक प्रशासन उस दया याचिका पर पुर्नविचार कर कार्रवाई करें तथा की गई कार्यवाही से आयोग को तुरन्त अवगत करावें।


(सुश्री अनुसुईया उइके)
उपाध्यक्ष

सुश्री अनुसुईया उइके/Miss Anusuya Uikey
उपाध्यक्ष/Vice Chairman
राष्ट्रीय उच्च स्तरीय जन शिकायत आयोग
National Commission for Women
भारत सरकार/Govt. of India
नई दिल्ली/New Delhi

राष्ट्रीय अनुसूचित जनजाति आयोग

पत्रावली : BSB/ 5 / 2016 MFIN9 / SEOTH / RU - IV

श्री भागवत श्यामराव बेन्डे द्वारा दिनांक 17.02.2016 को यूनियन बैंक ऑफ़ इंडिया द्वारा सेवा में पुनः लिए जाने के क्रम में प्रस्तुत प्रकरण में दिनांक 26.04.2017 को अपराह्न 3:00 बजे संपन्न हुई बैठक में उपस्थित अधिकारियों / कर्मचारियों की सूची -

राष्ट्रीय अनुसूचित जनजाति आयोग

1. सुश्री अनुसुईया उइके, माननीय उपाध्यक्ष
2. श्रीमती माया चिंतामण इवनाते, माननीय सदस्य
3. श्रीमती के. डी. बंसोर, निदेशक
4. श्री डी. एस. कुंभारे
5. श्री नरेन्द्र कुमार जांगिड, उपाध्यक्ष के निजी सचिव
6. श्री आर. एस. मिश्रा, वरिष्ठ अन्वेषक

यूनियन बैंक ऑफ़ इंडिया के अधिकारी

1. श्री आर. आर. मोहंती, महाप्रबन्धक (मानव संसाधन)
2. श्री राकेश चोपडा, उप महाप्रबन्धक (आई. आर.)
3. श्री एल. एस. पूरी, मुख्य प्रबंधक (पी.आर.)

अभ्यावेदक

1. श्री भागवत श्यामराव बेन्डे

S.NO.1(R)

urgent

DIR (A/B)

BHAGWAT SHYAMRAO BENDE

P.F. No.344794

Issue notice & put up

Senior Manager (Under order of dismissal)

Sai Prasanna Apartment, Plot No.12, Flat No.102
Santh Kripa Society, Narendra Nagar,
NAGPUR mb. 9423051133

Rameshwaray
19

Date : 17 Feb, 2016

20 RU IV

Secretary

National Commission for Schedule Tribes,
B Wing Sixth Floor, Loknaya Bhawan

New Delhi.

Sub: In the matter of appeal against the order No.CO/IRD/4080/2015 dated 27.08.2015 issued by the Human Resources Department, Industrial Relation Department of the Union Bank of India in their Central Office, Mumbai whereby applicant/undersigned (Senior Manager) has been dismissed from service.

Ref: Appeal preferred in this regard before this Hon'ble Commission and response thereto by the Bank to this Hon'ble Commission-rejoinder thereof.

It is most humbly and respectfully submitted as under:

21/02/2016
22/2/2016

1. That, the instant proceedings before this Hon'ble Commission have been initiated by me (Mr.Bhagwat Bende) by preferring an appeal dated 04.11.2015 against the impugned order passed by the management of Union Bank of India thereby imposing the major penalty of dismissal from the service which is discriminatory. The discrimination is solely based on the caste as I belongs to the Scheduled Tribe and therefore not only atrocious but violates the principles of equity as enshrined in the Constitution of India under Art. 14 and 16. It is further based on assumptions and presumptions devoid of the facts and records of the proceedings and also ill intended only to punish me which is not commensurate with the charges / allegations.

2. That, in response to the said appeal, the management of the Union Bank of India has submitted some justification/reply seeking dropping of the instant proceedings and justifying the order of dismissal and process which led to it as just, fair and reasonable. That, by way of the instant rejoinder, the said response is sought to be clarified and certain additional facts are brought on record.

21/2/16

3. That I am not charged for pecuniary gains and/or the allegations of the malafide intentions on me the leave alone no findings are available on the records to justify such a harsh punishment of dismissal from the services. Sanctioning of loans (vehicle as also home loan) is an integral part of the functions of the Officers and Branch Managers of the Bank to meet various targets set by the authorities of the Bank. It may also be noted that I have neither knowledge of the sanctioning of the loans and process therefor nor specific training was imparted by the Bank before putting me for such an assignment.

2

There was no support staff available at the Branch to carry out such works. It may also be noted that this was the first such assignment in the metro centre away from my usual surroundings of the compact and known environment.

4. That the borrowers financed by me are available and the records of their salary / income and KYC compliance are not at fault. The repayment in all those accounts was regular till the filing of FIR against the said borrowers by the Bank .

5. That, the manner and method of the departmental inquiry and its conduct did not meet the standards of fair play and natural justice and as such vitiated and is illegal in the eyes of law. That, with regard to the departmental inquiry, if records are summoned and verified, particularly, the service regulations of 1976 and its explanation as issued by the Bank from time to time as incorporated by various Courts of law, the present irregularities should be vividly clarified. Although, a degree of proof and departmental inquiry is not same, as in criminal trial , yet the basic standards cannot be given a go by in the proceedings and the decisions based thereon . However , the decisions cannot be presumptive and imaginary just to punish the delinquent officer . That the records available in this proceedings does not aid and lead to a decisions of such a harsh nature . It is on the crucial aspect that the inquiry which is sought to be made against the delinquent officer is a part of the routine grievance by which similarly situated officers of the Bank under go day to day. As to why the undersigned has been picked up and chosen for the harshest punishment viz. dismissal from service is a singular act which is not fair and the same is blatant discrimination to me as I belong to a backward class Schedule Tribe community, which is writ large on the face of it as many other officers charged for similar charges are not awarded such harsh punishments.

6. That, this is clear from the fact that the rules clearly provides that at appropriate stage, in the inquiry, a delinquent is required to be appraised the material just against me and especially questioned in this regard so that a delinquent is fully aware of the material against me and explanation should be made in black and white and the same should come on record. This vital aspect has been totally glossed over. On this ground alone, the entire departmental inquiry stands vitiated. Merely stating supply of documents, permitting cross-examination of the management witnesses is not good enough.

7. That, allegations pertaining to the vehicle loan as well as house loan and the material on record clearly shows that in ordinary course of reasonable prudence as is explained of a person of appellant position has been duly done. As I am not an expert to determine as to whether the documents are forged and fabricated or not. Even in the past cases, forgery have been caused. However, the core issue being whether I am part of that conspiracy wherein the forged documents are treated to be genuine. There is no linkage of me in the forgery case. As I could not have been treated as guilt for the same. Substantial compliance on the count of due diligence is on record. The borrowers financed by me are available and the records of their salary / income and KYC compliance are not at fault. The repayment in all those accounts was regular till the filing of FIR against the said borrowers by the Bank .

8. It is also be borne in mind that I am running the entire branch and there is not even loan officer posted who could have supported me. This vital aspect has also been lost sight of. It is bounden duty of the competent authority to come to his higher standard. It is pertinent to mention that although there is a provision of special training to be imparted to the employees of the Bank, but I have not had any such training so that I cannot be subjected to any harshest punishment. Thus, the departmental inquiry being vitiated on the count of principles of natural justice.

9. It is no secret that in absence of any malafide intentions and pecuniary gains alleged against me and proof thereof and the substantial compliance as to KYC norms and other credentials of the borrowers and regular repayments, it can be a case of fraud perpetrated by outsiders and it is also no secret that other Banks and their branches have also been the victims of the ill designs of the culprits. Under such circumstances no guilt can be fastened on to me and therefore, punishment awarded is not commensurate with the fact and records of the case.

10. That the order of dismissal vide ref. No. CO/IRD/4080/2015 DATED 27-08-2016 is not a speaking order but contain only general observations which is not good enough to pass such a harsh punishment. The observations noted by the Disciplinary Authority are good enough of the comments in the Inspection reports of the branches where such irregularities are listed for compliance which are of routine nature and such lapses and therefore, award of harsh punishment for such routine compliances is not commensurate with the facts of the case.

11. That the Bank has not alleged and / or concluded that the Banks has suffered any loss because of the alleged routine irregularities and a perusal of the impugned order of dismissal is total silent in this matter which again support my case that the punishment is excessive of the fact and records and therefore, need to be squashed .

12. It is also pertinent to note that the Bank's Ghatkoper branch has lodged a F.I.R with Police authorities at park site vikhroli (west) Mumbai on 20-11-2014. Your Honour will be surprised to note that the police has taken no cognisance of the F.I.R. till date.

13. Sir, I come from a very poor family background belonging to ST community. My both sons are studying in school and college. Due to my dismissal the mental health of my wife is totally disturbed .Further my financial condition is totally deteriorated . It will be very difficult for me to even provide required fees of my children putting their future into darkness.

The entire family is undergoing the effect of the punishment awarded to me; as if the entire family is felt to be liable to be punished and tarnished my image in the society.

14. That I have put in 28 years of service in the bank and at no point of time my integrity was ever questioned and asked to explain my conduct in any manner during the entire service .

15. That I come from a very poor backward class Schedule Tribe family and has a school going children and there future. If the punishment is not quashed it will also a punishment to my entire family for no fault of theirs and more particularly for such unwarranted harsh punishment which is not borne out of any just and fair application of mind but out of hatred and discrimination against the Backward class officer .

16. Therefore I am, approaching your honour as the last resource in the hope that your honour will be pleased to order the squashing of the impugned order and allow the restoration in the employment of Bank .

17. That in these circumstances, the matter deserves to be looked into in a broader prospective. There being no delinquency corrupt motive and malafide intention on the part me and no loss is sustained by the Bank . Alleged Charges are being procedural impropriety which is highly doubtful and the overall facts and circumstances imply the procedural irregularities of the routine nature and many of them are out of the reach and control of me . The punishment order (Impugned order) is not a speaking order and is arrived at the generalise circumstances and passed solely with an aim to destabilise the Scheduled Tribes Officer coming out of the social backwardness which amounts to and falls under the provisions of the Atrocities Act .

18. As I have submitted my appeal to appealent authority on 29 October 2015, still no decision have been initiated by the bank. This is in due course affected my financial conditions and mental status of my family and me. As i have taken housing loan and education loan from the bank and further credits in lieu of my salary. Due to this termination it is not easy to earn my bread and butter for my family. As i have my liabilities towards my ailing father and my spouse who is mentally sick after i got terminated.

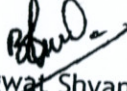
19. The fraud was done by the customers not by me as i have already stated in above lines still i had been made spacegoat for the crime which is not at all done by me. Bank has totally held responsible for the advances done by me there is no relation between the customers or any type of so called middlemen as specified by bank; as these accounts which were regular till the F.I.R. on customers were launched.

20. It is, therefore, expedient in the interest of justice that this Hon'ble authority may kindly pass the necessary order as prayed as under ;

- i. The punishment order CO/IRD/4080/2015 dated 27.08.2015 deserves to be set aside and I may kindly be reinstated in service forthwith with all consequential benefits like pay, perks, salary and status along with arrears with interest thereon to meet the ends of justice for which act of considered kindness, as I shall always be indebted to the Honourable authority.
- ii. The discrimination is solely based on the caste as I belongs to the Scheduled Tribe and therefore not only atrocious but violates the principles of equity as enshrined

in the Constitution of India under Art. 14 and 16 and falls under the provisions of the Atrocities Act and therefore , necessary action as per law may be initiated.

Yours sincerely,



Bhagwat Shyamrao Bende

Senior Manager (Under order of dismissal)

102, Sai Prasanna Apartment, Plot No.12,

Santh Kripa Society, Narendra Nagar , Nagpur

C.C.Assistant Director, National Commission for Scheduled Tribes

Room No. 309, Nirman Sadan 52-A Arera Hills Bhopal 462011 (M.P.)

CO:IRD:1126:2016

11th March, 2016

Shri N. Balasubramaniam
 Research Officer
 National Commission for Scheduled Tribes
 6th Floor, B-Wing
 Lok Nayak Bhavan
 Khan Market, New Delhi
 PIN: 110003

Sir,


Shri B.S. Bende, Senior Manager
 (since dismissed), RO Rajkot

This has reference to your letter no. BSB/5/2016/MFIN9/SEOTH/RU-IV dated 01.03.2016 on the subject matter.

On perusal of the available records, it is observed as under:

- Shri B.S. Bende, during his tenure as Branch Manager, Ghatkopar (West) Branch, did not exercise his delegated / loaning powers in a judicious manner and failed to follow Bank's lending rules / procedures scrupulously. He sanctioned as many as 47 Union Miles loans and 12 Union Home loans in a very haphazard manner without following the Bank's guidelines in general and instructions of the said schemes in particular. Based on the initial report, Special Audit was conducted and on the basis of report submitted by the Auditors, departmental action was initiated by issuing Articles of Charge / Charge sheet no. CO:IRD:OS:VIG:115:2015 dated 19.01.2015 to Shri Bende.
- During the inquiry, Shri Bende was given all reasonable opportunity to vindicate himself of the allegations leveled against him by calling upon him to submit his explanation in his defence, providing him all the copies of required documents, permitting him to examine his defence witness/ cross examine Management witness, put up his defence brief etc. The inquiry was conducted in total compliance of rules / procedures provided under Union Bank of India Officer Employees' Discipline & Appeal Regulations, 1976, which are applicable to Shri Bende. Similarly, the principles of natural justice were also adhered to by providing Shri Bende a fair opportunity and by appointing independent / impartial Inquiring Authority to conduct inquiry proceedings.

103/2016

 **Union Bank**
of India

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In conclusion of the inquiry, the Inquiring Authority had given detailed / reasoned findings based on the evidence adduced during the course of the inquiry and the following allegations were held as proved:

- Shri Bende sanctioned 47 loans under Union Miles scheme without conducting due diligence of the borrowers. He did not ensure proper scrutiny of the documents submitted by the borrowers and failed to carry out requisite pre-sanction inspections to ascertain the credentials of the borrowers. The loans were sanctioned in a haphazard manner and in many cases requisite RC books of the vehicles for which loans were sanctioned were not obtained. In few cases, where RC books were obtained, the same were fake / fabricated. In many cases, insurance policies of vehicles were not obtained and wherever obtained, they were forged / bogus. Proper due diligence on suppliers of the vehicles were not done and borrowers were allowed to book the vehicles through middlemen who were not authorized dealers of automobiles. Proper care was not taken by the CSO while disbursing the limits as in many cases the loans were disbursed through RTGS directly to the accounts of these so called dealers, without ensuring supply of vehicle. Many of the borrowers received back part of the loan amount disbursed, from the so called dealers in lieu of vehicles for which the loans were sanctioned. Thus, Shri Bende failed to ensure end use of Bank's finance. The borrowers / dealers are not traceable and 45 loan accounts, out of the 47 loans sanctioned by Shri Bende have been declared as fraud, with a total outstanding of Rs. 4.54 Crores.
- Shri Bende also sanctioned as many as 12 loans under Union Home loan Scheme of the Bank without exercising his delegated powers judiciously. He failed to obtain duly filled in loan application forms from the borrowers along with required documents such as permanent address proof, NOC / lien confirmation from concerned Housing Societies etc. He failed to carry out proper due diligence on the borrowers to ascertain their antecedents / credit worthiness. Credit information on the borrowers / guarantors was not compiled properly and credit reports to that effect are not held on record. He failed to monitor the disbursement of loan amount and in many cases, loans were disbursed without ensuring creation of mortgage on the concerned properties. Physical verification of assets was not conducted by Shri Bende and post sanction inspection reports were not compiled / held on record. Out of the 12 Union Home loans sanctioned by him, 5 accounts are standard while the remaining 7 accounts are NPA, with a total outstanding of Rs. 1.15 Crores.

In addition to the above, the Inquiring Authority had observed that Shri Bende had submitted false / fabricated post-inspection reports to the Controlling Office, in respect of the aforesaid Union Miles loans sanctioned,

as the RC books / insurance policies which he claimed to have verified, turned out to be fake. Further, records of the inquiry also revealed certain unexplained financial transactions between the accounts of Shri Bende, the account of one Shri Ganpat Rairikar, who is a middleman having a past record of cheating various Banks and the accounts of borrowers Shri Santosh Thakre and Shri Sachin Choube. These transactions are as under:

- (i) On 14.08.2013, Rs.16000.00 was transferred from SB A/c no. 582202010009372 of Shri Ganpati Raikar (middleman), Rs.8000/- transferred from SB A/c no. 458104020033005 of Shri Bhagwat Bhende & Rs.24000/- was credited to SB a/c no. 582202010009372 of borrower Shri Santosh Thakare
- (ii) Amounts aggregating Rs. 1,85,000/- were transferred from the account of Shri Bende to the SB account of Smt. Mamta Choube, w/o borrower Shri Sachin Choube, who was reported to have submitted a fake RC book to the Branch

Based on the aforesaid allegations, the Inquiring Authority had held the following charges as proved against Shri Bende:

1. Failure to discharge his duties with utmost devotion and diligence.
 2. Failure to discharge his duties with utmost honesty and integrity.
 3. Failure to take all possible steps to ensure and protect the interest of the Bank.
 4. Acting otherwise than in his best judgment in performance of his official duties.
- The Disciplinary Authority, after going through the findings of the Inquiry Authority and submissions of Shri Bende thereon, concluded that Shri Bende exercised his delegated powers in a reckless manner, without conducting proper due diligence on the borrowers / guarantors and also without obtaining required documents to safeguard Bank's interest. The loans were sanctioned through middlemen who posed themselves as Authorized dealers of the vehicles. The disbursement of loans was not properly monitored, resulting in misuse of loan amounts. In a nutshell, Shri Bende misused his Official position and breached the trust reposed in him by the Management as majority of the loans sanctioned by Shri Bende have turned NPA and Bank's huge funds to the tune of Rs. 5.69 Crores is at stake. Thus, being custodian of public money, Shri Bende committed serious acts and omissions which amount to moral turpitude. The Disciplinary Authority therefore imposed the major penalty of 'Dismissal from the services of the Bank with immediate effect' on Shri Bende.

In the light of the above, you will agree with us that the case of Shri Bende was handled in a very dispassionate manner and also in total compliance of principles of natural justice and service conditions. There was no discrimination caused to him at any point of time. It may be pertinent to mention that Bank is a financial institution dealing with public money held in fiduciary capacity. Hence every employee is expected to discharge his / her duties / functions in a judicious manner and with utmost care, especially while lending the money to the borrowers. It is very much obvious from the aforesaid facts that Shri Bende showed scant regard to the Bank's rules / procedures / lending norms and sanctioned loans to the borrowers in a very haphazard manner by misusing his Official position and causing wrongful gain to the borrowers.]

In view of this, you will acquiesce with us that the penalty imposed on Shri Bende was just and proper and commensurate with the gravity of the lapses committed by him in discharge of his Official duties.

Yours faithfully,


GENERAL MANAGER (HR)

Pr/16/Ko/LH/ B.S. Bende