

All For Justice – Justice for All - Under Corporate Domestic Enquiry Deliberations

“ To Up-Hold Natural Justice and To Prevent Shocking Act the Disciplinary Authority Must Be from the Judicial Department ”

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Abstract:

The role and commitment of Human Resource Department is highly crucial in protecting the interest of corporate office, stake holders and economy is undisputed fact. Accordingly, the selection, proper training and placement of human resource is very profile task in all respects, right from operational level, middle and upper-level management too. In the process every kind of official is bound by service regulations and the government directives as per Act / Law. When the official is discovering with concept of MISCONDUCT, the vigilance department of the corporate office will castigate the said to be delinquent official in terms of due process excellence of domestic enquiry deliberations. Further the disciplinary authority takes the decisions based on the findings of enquiry proceedings and award punishment based on the facts and report of ENQUIRY OFFICER in all respects. If the award, awarded by the disciplinary authority is not accepted by the said to be delinquent official, is permitted to appeal for Appellate authority for any further relief. The Appellate Authority order is binding and final in all respects. Further the disciplinary authority and Appellate authority members are very high-ranking officials / directors of the same organisations and attend various meetings too. According to expression of justice delivery system, at any cost, the INNOCENT MUST NOT SUFER, PUNISHMENT AWARDED MUST BALANCE, WHAT MISCONDUCT COMMITTED BY THE SAID TO BE DELIQUENT OFFICIAL, without any kind of bias, discrimination and double standard among misconduct officials too, In the organisation. The concept of domestic enquiry deliberations must be in the fence of Natural JUSTICE without any compromise. Further the relationship between officials and corporate office is nothing but, MASTER AND SERVENT RELATIONSHIP IN ALL RESPECTS. Further the need for checks and balance between the vigilance and audit department is very crucial to enforce discipline in the organisation. With this input information study has been conducted in the lending organisation like Bank, Co-op sector as a critical empirical case study.

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PURPOSE OF THE STUDY:

To figure out problems faced by the delinquent officials in the process of Bank departmental enquiry deliberations and to suggest sustainable solutions, for healthy existence of MASTER AND SERVENT RELATIONSHIP IN THE ORGANISATIONS.

DESIGN OF THE STUDY:

In this segment, one case study is selected from commercial bank, rural bank and one form co-op sector bank.

MAJOR AND CRITICAL FINDINGS OF THE STUDY:

In violations of natural justice and law and act, the domestic enquiry conducted, the said, dismissed officials, report for duty as per the directions of the HIGH COURT directives after 16 years, time spent for deliberations in the court. The enquiry officer, presenting officer are not properly trained for enquiry mission.in some case order passed by the disciplinary authority is totally suspectable integrity of the vigilance department. The case study clearly depicts, the failure of justice delivery system in the Bank, in which the directors of the banks are high ranking bank officials and IAS, KAS officers the Government.

RESEARCH LIMITATIONS OF THE STUDY:

The findings and suggestions are limited to the case study bank only, but this type of total injustice to the said to be delinquent officials are very common the corporate office, the suggestion hold good for others organisation too. Several and various kind of case pending is proof in high court / tribunal demands solutions in all respects.

ORIGINALITY / VALUE:

The DIRECTORS / members of the APPELLATE AUTHORITY, MUST HAVE MENTAL CALRITY OF APPLICATION OF MIND AND KNOWLEDGE CLARITY OF WHAT I /WE MUST NOT SUPPORT THE INJUSTICE RECOMMENDED BY THE DISCIPLINARY AUTHORITY IS MORE IMPORTANT IN JUSTICE DELIVERY DELIBRATIONS UNDER DOMESTIC ENQUIRY SYSTEMS.

Can any body image the mental torcher problems faced by the delinquent officials ranging from 10 to 18 years, from society, official circle and relation circle that too when service is 50 to 60 percent completed, with no financial support and with legal high-cost expenditure at court. To prevent unnecessary legal expenditure to organisation, and ideal salary to legal team, the disciplinary authority must exercise the POWER LEGALLY REASONABLY FAIRLY WITHOUT BIAS, DISCRIMINATION AND DOUBLE STANDARD.

The vigilance department must have, clear MISSION, VISION and HIGH VALUE supported with tools as INTEGRITY, EXCELLENCE, DIGNITY, SAFETY, JUSTICE, and COMPASSION according to fact and circumstance of each case.

Highley critical observation is all directors / members have over confidence with disciplinary authority and actively engaged with full time in the parent organisation or in business and hence more scope for suppression of fact to Board of directors.

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Code of conduct, order, imputation of charges, enquiry officer, presenting officer, service regulations, Act, natural justice, article of charges, bias, law, punishment, disciplinary authority, High court, Misconduct, Enquiry.

Among the factors of production, the role and importance played by the Human resources and vigilance department is the bearing the corporate office, for healthy existence of protection to stake holders and economy, to win the confidence of public in all respects. In the process the relationship of officials is expressed by term, master and servant relationship to the corporate office, right from board level to operation level with different set of controlling authorities, ranging from the individual organisation and the Government and all regulatory agencies. The misconduct committed by the officials will be handled by the vigilance department as per the Law / Act and supported by the Service regulations of individual organisations. The very interesting factor is, employer has power to dismiss the service of any official on discovery of the misconduct based on the facts and circumstance of the case or issue and damage caused to the organisation with or without financial loss. The most important factor for consideration is, the punishment awarded by the disciplinary authority must be balance the misconduct and punishment awarded to delinquent official, in terms of natural justice, due process of Law / Act and service regulations, in all respects. In the event if the delinquent official is not satisfied the punishment awarded by the disciplinary authority, he / she is at liberty for organisation Applet authority of for justice within stipulated period, with in usually 30 days. In the event if the order passed by the Applet Authority is not satisfied, he / she is at liberty to move the matter for the Labour court or high court according to the fact of the matter. This is critical and crucial aspect of observation to deliver justice to the said to be charge sheeted official, in the boundary of Disciplinary authority and Applet authority. The concept of justice footage moving towards, Dark to Dark, Dark to Light, Light to Dark or Light to Light is depends on the application of mind by all concern. Further all the authorities must ensure the discretion is executed are legally reasonably and fairly without bias, double standard or against to law while confirming punishment to the delinquent official, but on ground realities, it is not so, the tragic combination of negligence of duty, responsibility, accountability beside over confidence with chairman / disciplinary authority by the directors / Applet authority members. This happens due to the stake holders' directors / nominated directors are having immunity powers prosecution, since they are engaged in parent organisation / business, accordingly injustice is part of process, hence it is not confirming good governance in the departmental enquiry proceedings. There is no outside audit or checks and balance / verification / audit is injected for check the is fitted in the banking and lending organisation related to the DOMESTIC ENQUIRY DELIBERATIONS AT PAR WITH THE NATURAL JUSTICEA. And this matter is not connected to any kind of internal, external and regulatory agencies verification or in the bank annual reports too. With this critical input information critical and sensitive empirical study conducted, accordingly meta-analysis conducted related to Commercial Bank, RRB and co-op Bank situated in the south India, with the aim to identifying problems in the bank domestic enquiry deliberations faced by the said to be delinquent officials and to offer sustainable solutions to up-hold natural justice and to prevent the integrity, suspectable orders of disciplinary authorities and connected officials. Further, it is applicable to every authority / profession that, NO – KNOWLEDGE, KNOW – PAIN. KNOW – KNOWLEDGE – NO PAIN. The requirement of talent to discharge any official duty which are essential in all respects.

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THE OBJECTIVES OF THE CRITICAL STUDY:

To discover the missing elements, which is causing and leading injustice to suspectable misconduct / suspended officials by the Vigilance department and disciplinary authority. And to suggest sustainable solution to fine tune the domestic enquiry deliberations to uphold the concept of NATURAL JUSTICE while passing final orders of disciplinary authority and Applet authority in the Banking and lending organisations, under fast-track approach with eye on cost effective, supported by the profession lend service from judicial department.

THE SEGMENT OF RESEARCH MENTODLOGY:

In this critical empirical live breaking case study conducted related to RRB, co- operative bank and commercial bank, with different background of un-sustainable article of charges and orders of disciplinary authority and applet authority, which is relatively exposing misconduct of BOARD LEVEL, DEPARTMENT HEAD LEVEL and OPERTION LEVEL connected to case study bank.

THE REVIEW OF LITERATAURE SEGMENT:

In this critical, live, breaking case study is still in the process of court deliberations even now also, but ranging from five years to twenty years and this is first of kind to the best of my knowledge and information and all officials retired from service with the terminal's benefits.

THE DATA AND INFORMATIN:

In the critical study period, every information and required knowledge obtained from the related suspended officials, other bank officials, council on records in the related court and court orders from the high court too. It accounts 108 total person I had discussed and obtained information and materials supported by the secondary source also, and this is sufficient for the study purpose.

THE LIMITATION THE CRITICAL STUDY:

In this vigilance angle observation, the problems, findings and suggestion are irrelated to the case study banks only, but on ground realities every issue is very common in every bank and lending organisations, due to fear factor of dismissal of service, the suspended officials do not prefer to take matter for proper justice because of very high cost of legal expenditure. Accordingly, the suggestion also holds to other banks and institutions.

THE SCOPE FOR FURTHER CRITICAL STUDY:

In this, thought process related to the study , every observation is critical issue having bearing different critical observation, opens flood gate of suspectable integrity of disciplinary authority, and poor performance of vigilance department GOVERANCES , and the question is who is misleading the BOARD OF DIRECTORS is million dollar question , in the absence of further deep and clear vigilance angle investigative study, the corporate office / Bank will exist in long run.

CASE STUDY SEGMENT:

In this process RRB, COMMERCIAL BANK AND CO-OP BANK selected for the study purpose, situated and branch at south India, few cases related to each segment.

THE REGIONAL RURAL BANK:

The said bank implemented RISK FUND concept, without obtaining clearance from the RESERVE BANK OF INDIA. The Officer who resigned from service after two years, joined bank in which, NO such ISBN code 978-93-83302-80-2

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provision in the service regulations. The dismissed officer reinstated to bank service as per high court order, after 17 years battle in the related court, due to circumstance, the said officer retired from service on the day of joining the service at closing hours of bank. The bank never preferred police complaint for fake ornaments which pledge in the branch, and earned fraud interest, again it is corporate fraud. The said RRB, has opened other private bank current account, turnover is diverted, this is against to RRB, bank interest. The article of charge sheet served to official, in which the said loan account, after obtaining the claim from the insurance company (DICGCI). The bank projected heavy source of other source of income, in the annual report, but no such activity in the bank business, except agriculture lending such period, THIS IS EXPLOITATION OF POOR FARMERS UNDER INSPECTION CHARGES / DOCUMENTATION AHARGES TOO, but NO comments by the internal or external audit reports too. The officers who are facing criminal charges related to bank fraud loan case, have been promoted and awarded terminal benefits on retainment from service, still facing police case even in the year 2025. In the process of promotion, commerce and high qualified applicants not selected due to, fear of exposure of corporate misconduct. One batch of new branch managers posted as independent managers without proper input training (45 days bank service), as a result after 5 years all most everybody faced disciplinary punishment.

CASE STUDY UNDER CO-OPERATIVE BANK SEGMENT:

The said co-operative bank:

The data and information, the said bank sanctioned Rs.5,00,00,000/00. Loan to purchase house, during the year 2019, with 13% monthly interest applicable.

RESEARCH OBSERVATION:

The said loan account tagged as NPA, status during the year 2020, and it is totally a fraud loan account, with staff involvement conformed in the internal audit report. There is no such property, in any manner acceptable to bakers as a security. The said bank not preferred CBI, complaint, but the said manager dismissed from service. Why and how the regulatory agency is silent in the matter. Who is harbouring whom is the main question.

CASE STUDY COMMERCIAL BANK:

DATA INPUT INFORMATION:

The said bank sanctioned Rs. 100.00 lakhs loan, for the purchase of property and dame as security in all respects too. The said account treated as NPA and recovery deliberations enforced under, SARFAESI – ACT, the account turned to NPA during the year 2013, loan sanctioned during the year 2009.

Research observations, the bank preferred public auction the property in which there is stay in the related court, further the said property, placed for auction, in which the said property which sold property also included in the sale publication in the newspaper, from past twelve years the matter is in court at, DRT, DRAT, HIGH COURT and the matter also taped the supreme court also.

THE COMBINED CRITICAL OBSERVATIONS ALL CASE STUDY DOMESTIC ENQUIRY

DELIBERATIONS:

The said to be article of charges is too vague / not clear. The Imputation of charges not given. The total financial loss not declared. In the combined misconduct issues only pick and fire process adopted for few officials. The required documents, records, information is not given to charged official. Not permitted to appoint outside advocate service for defending the issues of allegations. In the bank other ISBN code 978-93-83302-80-2

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officials warned not give support or witness to favour of charged official. The cross examination of vigilance office who conducted investigation is not permitted. Too much delay in giving the orders of disciplinary authority. Again, too much delay to place the appeal of orders to the Applet authorities. For joint inspection, on spot is not permitted for assessment of allegations. The permission to appear before applet authority is not provided to the charged official. The deposition of charged official is not recorded in terms of expression in enquiry proceedings. The order of disciplinary, is not matching the offence committed CSO. The enquiry will be conducted after banking offers. The complaint copy of public or investigation report of vigilance is not provided for proper understanding charges or to know the fact of the case. The specific details of police case is not reported to the Board of directors meeting, this accounts to misconduct of vigilance officials instantly.

In another case, after 14 years deliberations at related court, dismiss the police FIR / CASE due to, related bank not produced the , required prosecution documents and related un-disputed evidences, clearly depicts poor performance of vigilance department, and most tragic and unfortunate role of disciplinary authority, even after the retainment from the said charged official visited , every month criminal court more than 10years, can anybody estimate the humiliation and mental torcher suffered by the charged official besides cost of travel, legal expenditure and most important travelling 8hours journey and distance of 120 kilometre. the members of the members of Applet Authorities are, very ranking bank officials, the other directors are I A S and K A S officers, now the question is who is misleading them, when they sign the agenda, every ruling, why no accountability such stake officers / central officers.

SWIFT ACTION SPECIAL SUGGESTION:

In the light of above breaking, live, empirical case study findings, following suggestion recommended to inject a different national entity new CONTROLLING MONITORING INSPECTING GUIDING AUTHORITY to Banking and lending segments, at vigilance department, MISSION HIGH COMMAND QUASI JUDICIAL AUTHORITY , to prevent the act of misconduct, of VIGILENCE DEPARTMENT , deliver justice with considering and incorporating NATURAL JUSTICE, according to fact and circumstance of the case on issue, helps to track and avert , misconduct at BOARD LEVEL, DEPAARTMENT HEAD LEVEL and at OPERATIONAL LEVEL TOO, during the time of critical inspection by the above new TOOL and INSTRUMENT, to protect the interest of corporate office and every stake holders. The said mission must be at par with CBI, ED and SEBI, powers and authority on discipline issues.

OTHER MAJOR SUGGESTIONS:

Let the DISCIPLINERY AUTHORITY OF EACH BANK / FIANCIAL ORGANISATIONS, IS FROM LEND SERVICE OF THE JUDICIAL DEPARTMEANT, to prevent -BIAS deliberations at vigilance department and to prevent , protection/ harbouring the said to be guilt official's, to enforce discipline and concept of hiring and firing must be apply to top ranking officials of bank too, covering directors too, for approving / consent for , ultra virus Act of, AGENDA, RULING and EXECUTION at operation level , to protect the interest of corporate office, every stake holders and economy.

THE IMPACT OF THE CRITICAL STUDY AND SUGGESTION:

Due to impact of this suggestion, this will strengthen the Bank / Financial organisations, to stay in the market with twinkle profit and loss Account supported by the STABLE AND STRONG BALANCE SHEET TOO, and to win the confidence of public and customers, and to prevent un-necessary legal expenditure on vigilance / discipline matters. And to protect the interest of honest officials and to punish the said to guilt officials with due process of Law and ACT.

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THE CONCLUSION:

According to print media, social media, T V media information and exposed, the fraud, mismanagement of banks are very common, besides, top ranking officials of Bank are in the CBI and ED net and few officials are behind police custody and in jail too, (MD, CMD and Chairman),

Injecting the DISCIPLINERY AUTHORITY in the bank and financial organisations from the STATE JUDICIAL DEPARTMENT is essential to prevent the meltdown of economy and protect stake holders, since lending is BUSINESS and not experiment.