



HARYANA VIDHAN SABHA

REPORT

BY

SHRI BALDEV TAYAL M. L. A.

TO

ENQUIRY INTO THE ALLEGATIONS AND COUNTER  
ALLEGATIONS LEVELLED IN THE HOUSE BY  
CHAUDHRY HUKAM SINGH AND SWAMI ADITYA VESH,  
M. L. As. ON 25-9-1981.

HARYANA VIDHAN SABHA SECRETARIAT, CHANDIGARH.  
NOVEMBER, 1981.

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## REPORT OF THE ENQUIRY COMMISSION

I report with a sense of gratitude to the Hon'ble Speaker, the House, the Leader of the House and the Leader of the Opposition for reposing confidence in me to hold an enquiry against a worthy colleague namely ; Swami Aditya Vesh. Though to hold an enquiry against a colleague is a difficult task, yet I have done my best to discharge my duty to the best of my ability and integrity.

I was appointed as One Man Enquiry Committee by the order of the Hon'ble Speaker, dated 25.9.1981 (Annexure-I) to go into the allegations levelled by Chaudhri Hukam Singh, M.L.A. against Swami Aditya Vesh, M.L.A. on the floor of the House. It will not be out of place to mention that in reality it was Chaudhri Ganga Ram, M.L.A. who alleged that Swami Aditya Vesh, M.L.A., has accepted a sum of about Rs. 13,000/- from one Shri Charan Singh an employee of the Haryana Agro Industries Corporation Ltd. This allegation was expunged by the Hon'ble Speaker. Hence it is of no significance. I am pained to remark that in spite of issuing repeated summons to Chaudhri Ganga Ram, M.L.A., he managed to evade them and hence his evidence had to be dispensed with. It seems that he had no solid proof with him to substantiate the charge levelled by him against Swami Aditya Vesh.

Chaudhri Hukam Singh, M.L.A., as a matter of fact, did not level any charges against Swami Aditya Vesh, M.L.A. but he only put a supplementary question as under :—

“स्पीकर साहब, मैं मन्त्री जी से जानना चाहता हूँ कि क्या सिलैक्शन कमेटी कोई ग़ौर थी और इन्टरव्यू कमेटी कोई ग़ौर थी। जो दस सेल्जमैन की लिस्ट है इसमें बहुत बड़ा घपला है। पलवल में एक आदमी ने एस०पी० विजीलेंस को लिख कर दिया और एफ़ीडेविट दिया कि मैंने 13,000/- रु० स्वामी जी को दिया। क्या यह सच है? अगर सच है तो स्वामी जी भगवें कपड़े उतार कर सदन की पटल पर रख दें।”

This whole question can be bi-sacted into two parts :—

- (1) that there is a “Ghapla” in employing 200 salesmen ;
- (2) that one Shri Charan Singh has filed an affidavit with the police that Swami Aditya Vesh, M.L.A. has taken Rs. 13000/- app. from said Shri Charan Singh.

At the start of the enquiry, I suggested to Swami Aditya Vesh, M.L.A. that there being no allegations hence the enquiry be dropped. But on the insistence of Swami Aditya Vesh, M.L.A. I had to proceed with the enquiry.

Chaudhri Hukam Singh, M.L.A. has proved on the file that an affidavit of Shri Charan Singh exists alleging that he has given Rs. 12,303.35 p. to Swami Aditya Vesh, Chairman of Haryana Agro Industries Corporation Ltd. in the month of November, 1980. The photostat copy of the said affidavit is ex. C/2 produced by Chaudhri Hukam Singh, M.L.A. This photostat copy is substantiated by the original affidavit Ex. W/10 I by Shri Charan Singh himself.

In this affidavit neither the names of the witnesses in whose presence this money was paid are written nor the purpose for which the payment was made is mentioned. This affidavit was never filed before any police officer and was kept in possession by Shri Charan Singh himself. The photostat copies of this affidavit were duly shown to the Managing Director, Haryana Agro Industries Corporation Ltd. The photostat copies were also supplied to the office bearers of the Employees Union of the Haryana Agro Industries Corporation Ltd. for the purpose of pursuing this case. The fact that a shortage of the above mentioned amount was detected is amply proved on the file. Shri Charan Singh was the salesman at the Farmer's Service Centre, Hodel and it was he who was responsible for this shortage. He, in so many words has admitted that he had sold goods without issuing receipts and retaining the money himself. He has further stated that this was done on the instructions of Swami Aditya Vesh as he required the money for holding certain conferences in his own area. I will deal with this issue later on.

The Commission examined 12 witnesses in all (Annexure-II). Chaudhri Hukam Singh, M.L.A. and Swami Aditya Vesh were given opportunities to put relevant questions to the witnesses either through the Commission or independently. On the request of Shri Hukam Singh, M.L.A., the managing Director, Haryana Agro Industries Corporation Ltd. was directed to produce the following documents :—

- (1) File regarding the appointment of 200 salesmen in Haryana Agro Industries Corporation.
- (2) File of the Committee on Public Undertaking containing the affidavit of Shri Charan Singh, if any.

Chaudhri Hukam Singh was examined as witness before the Commission. He explained before the Commission that the word "Ghapla" used by him on the floor of the House means that many irregularities were committed in the procedure of employment of the salesmen in the Haryana Agro Industries Corporation Ltd. He has also stated that he did not level any personal allegation regarding the acceptance of Rs. 13,000/-app. by Swami Aditya Vesh but only wanted to know the truth regarding it from the Minister concerned.

Shri Sant Kanwar, M.L.A. was also examined. He has stated that he was told by some responsible employees of the Haryana Agro Industries Corporation Ltd. that Swami Aditya Vesh, M.L.A. has accepted money from Shri Charan Singh. On further enquiry he has stated that he is not prepared to disclose the names of those employees as he is afraid that Swami Aditya Vesh, being the Chairman of the Corporation will put them to harm. He also denied any personal knowledge of the fact regarding acceptance of money. Under the law hear-say evidence is no evidence. Hence his statement before the Commission is of no value.

The evidence of Shri Pratap Singh, I.A.S., Managing Director, Haryana Agro Industries Corporation Ltd. makes an interesting reading. From his evidence, it seems that no law prevails in the Haryana Agro Industries Corporation Ltd. Under the name of a business corporation, rules and regulations are just kept on the shelves and Haryana Agro Industries Corporation Ltd. is being treated as a personal property either of the Chairman or the Managing Director, Haryana Agro Industries Corporation Ltd. The appointments are made without

even getting an application and similarly the services are terminated without any proper orders. It is interesting to note that neither any application for employment of Shri Charan Singh exists in the office of the Corporation nor any order indicating his termination of services is available on the file. Strangely enough the attendance register of Farmers' Service Centre, Hodel is not traceable as per the letter of the Secretary, Haryana Agro Industries Corporation Ltd., dated 12-11-1981. Even the muster rolls of Shri Charan Singh do not exist after 1-10-1980. It seems that either these documents are being kept back intentionally from the Commission or some interested party has whisked away the relevant documents. I am pained to say that this only denotes complete failure of administration in the Haryana Agro Industries Corporation Ltd. Shri Pratap Singh, Managing Director has admitted that Chairman had personal relations with Shri Charan Singh and was trying to recover the money on his own. It is also very clear from the letter written by Mr. J.K. Batra to the Managing Director, Haryana Agro Industries Corporation Ltd. stating clearly that Swami Aditya Vesh, Chairman has directed him not to take any action till he reaches there on 3rd November, 1980 and also assuring that he will get the money recovered on that particular date. Mr. J.K. Batra had also sought his further instructions in the letter. Strangely enough neither the Chairman nor the Managing Director had issued any direction to Mr. J.K. Batra. The decision of filing an F.I.R. was taken after about 8 months of the detection of the embezzlement. The reasons given by Shri Pratap Singh, Managing Director and Swami Aditya Vesh, Chairman are neither plausible nor tenable. The decision of lodging an F.I.R. was taken only after Shri Charan Singh had filed an affidavit with the office bearers of the Employees' Union of the Haryana Agro Industries Corporation Ltd.

From the above it is very clear that the Chairman was out and out trying to save Shri Charan Singh. It is also on record that this is not the first incident when embezzlement on the part of Shri Charan Singh was detected. Before this incident, a shortage of Rs. 3,000/- was also detected in the sale of the gram seed. The money was also recovered after a great effort. Strangely enough even at that time though Shri Charan Singh was only an employee on daily wages basis, yet no action was taken against him for the above mentioned crime. It is also on the record that Swami Aditya Vesh knew that Shri Charan Singh had a dubious character. Shri Charan Singh was involved in a case under Excise Act but was later on not prosecuted as he was living with Swami Aditya Vesh. It was also in the knowledge of Swami Aditya Vesh that Shri Charan Singh is not mentally fit. I can only say that appointment of Shri Charan Singh was totally irregular and illegal. It smacks of favouritism and abuse of position. It seems that Managing Directors who are I.A.S. officers are just the tools in the hands of unscrupulous politicians. Embezzlement is a very serious crime and no person in authority has a right to either condone it or hide from the Government. It is interesting to note that embezzlement/mis-appropriation worth about Rs. 2,40,347/- had been committed in the Haryana Agro Industries Corporation but no serious action is being taken against these criminals. This laxity on the part of the Chairman and the Managing Directors only give an impetus to the other employees to indulge in these offences time and again.

I have also perused the file concerning the employment of Salesmen into Haryana Agro Industries Corporation on regular basis. It is proved on the file that Swami Aditya Vesh wanted to employ persons by committing irregularities. The situation was saved by the timely intervention of the Government which issued a directive to the effect that no salesman should be recruited. Thus, the

charge if at all levelled by Chaudhri Hukam Singh, M.L.A. stating that there is a "Ghapla" in the appointment of salesmen is amply proved.

It has not been proved that Swami Aditya Vesh, M.L.A. has accepted any money. Shri Charan Singh came out with an affidavit only when it became apparent to him that he will not be kept in service. Strangely enough in the affidavit he has not cited any witness. Though he has proved beyond reasonable doubt that he was an ardent worker of Swami Aditya Vesh, yet it is beyond my comprehension that an employee who has passed the money to a senior officer will hold back the information for seven or eight months after the detection of the embezzlement, mis-appropriation. Shri Charan Singh admits that he was living as a member of the family of Swami Aditya Vesh. In support of this contention a photostat copy of the voters' list and of a ration card have been produced which clearly indicate that the name of Swami Aditya Vesh and Shri Charan Singh exist in one ration card. A photostat copy of the direction of the Government to the Haryana Agro Industries Corporation Ltd. requiring the Corporation to realise the amount due from Swami Aditya Vesh on account of using the staff car in excess of the permissible limit allowed to the Chairman has also been produced. All these things only indicate that Swami Aditya Vesh is unmindful of pecuniary matters. The conduct of Swami Aditya Vesh, M.L.A. is highly objectionable not befitting the position of the Chairman of a Corporation.

The facts proved beyond reasonable doubt before this Commission are as follows:—

- (1) That Shri Charan Singh is closely connected with Swami Aditya Vesh, M.L.A.;
- (2) That Swami Aditya Vesh knew that Shri Charan Singh is of a dubious character prior to his appointment as a salesman;
- (3) That Swami Aditya Vesh knew that Shri Charan Singh was not mentally fit prior to his appointment;
- (4) That Swami Aditya Vesh and Shri Charan Singh were living in the same premises prior to the appointment of Shri Charan Singh;
- (5) That no formal application was obtained from Shri Charan Singh for appointing him as salesman;
- (6) That Shri Charan Singh mis-appropriated/embezzled-Rs. 3,000/- prior to the detection of the embezzlement/mis-appropriation of Rs. 12,303,35p.;
- (7) That no action was taken against Shri Charan Singh at the time of the detection of Rs. 3,000/- except that he was allowed to deposit the same with Haryana Agro Industries Corporation Ltd.;
- (8) That no action was taken against Shri Charan Singh after the detection of embezzlement/mis-appropriation of Rs. 12,303,35p. On the contrary, every effort was made to save him from any kind of punishment;
- (9) That no order of termination of services of Shri Charan Singh exists on file;

- (10) That no action was taken against Shri Charan Singh even after he failed to report on duty at the Farmers' Service Centre, Hodel;
- (11) That even the address of Shri Charan Singh does not exist on the files of the Corporation;
- (12) That according to the photostat copy of the electoral rolls, Swami Aditya Vesh is shown as the head of the family of Shri Charan Singh;
- (13) That there is an embezzlement/mis-appropriation of Rs. 2,34,348.32p. detected so far in the Haryana Agro Industries Corporation Ltd. F.I.R. relating to only Rs. 82,039.44p. has either been lodged or has been ordered to be lodged. No serious effort is being made to realise from and punish the culprits responsible for embezzlement of 1,92,308.88p.
- (14) That Swami Aditya Vesh has not rendered any account of his foreign tour to Haryana Agro Industries Corporation Ltd. as is clear by the Statement made by Shri Partap Singh, Managing Director, Haryana Agro Industries Corporation Ltd. before the Committee on Public Undertakings on 19th August, 1981,
- (15) That Swami Aditya Vesh has used the staff car in excess of the permissible limit fixed by the Government and the Corporation has been asked to recover the amount due from him to Haryana Agro Industries Corporation Ltd. on this account.
- (16) That the effort of Swami Aditya Vesh in appointing saleman in Haryana Agro Industries Corporation Ltd. was highly irregular and illegal. It was only on the intervention of the Government that the situation was saved. The appointment of Shri Charan Singh was against all canons of law, justice and procedure.

The above mentioned facts clearly denote that Swami Aditya Vesh, M.L.A. is himself responsible for inviting public criticism. His conduct has made him a controversial figure and raises a strong doubt and suspicion about his integrity. It is the solemn duty of a Member of the House to expose and bring to light the mis-deeds and irregularities committed by the persons in authority and specially the politicians who hold a position of power. Though it is not proved that Swami Aditya Vesh has accepted any money from Shri Charan Singh yet there is no iota of doubt that he is responsible for the loss of this amount to the public exchequer. He could have very easily dismissed Shri Charan Singh from the services at the time of the detection of mis-appropriation/embezzlement of Rs. 3,000/-. Shri Charan Singh could also have been prosecuted and convicted for committing temporary embezzlement/mis-appropriation.

The strength of democracy lies only in preserving the Rule of law. Politicians and bureaucracy are likely to run amuck if the rule of law does not prevail. The sanctity of the Constitution and the law keeps in tact till the persons in power bow to the principles enshrined in the books failing which the Constitution and the Law turn only into sheaf of papers and nothing else.

In this particular case, Swami Aditya Vesh is a victim of self-invited criticism. It will not be out of place to mention that no serious effort is being made to bring the culprits to the book who are responsible for embezzling/

mis-appropriating the large sums of money in Haryana Agro Industries Corporation Ltd. On the contrary, due to political pressure, it seems every effort is being made to save these culprits and keep them in service in tact. The reasons are best known either to the Managing Director "who has unfortunately succumbed to the political pressure of the Chairman" or to the Chairman himself. In the last, I will say that the integrity of Swami Aditya Vesh is highly doubtful. Though he cannot be held legally responsible for the loss of Rs. 12,303.35 p. yet morally he is instrumental in causing this loss to the Corporation.

I suggest to the Government that politicians and M.L.As. should not be given an office of profit on account of two reasons; firstly because they do not possess the necessary background and mental aptitude for running these corporations and secondly it throws them open to public criticism and suspicion.

Sd/—

(BALDEV TAYAL)

Dated 28-11-1981

M.L.A.

## ANNEXURE I

Mr. Speaker : I hereby appoint a one man Committee comprising of Shri Baldev Tayal, M.L.A. to go into the allegations and counter-allegations levelled in the House by Ch. Hukam Singh and Swami Aditya Vesh, M.L.As. This one man committee will take evidence and submit its report to me by 1st of November, 1981. I would request every person, who is called upon to tender evidence, to give full cooperation and appear before this Committee in time. If anybody fails to appear in time, then Shri Baldev Tayal will take ex-parte decision in the matter.

At the same time, I wish to congratulate Shri Baldev Tayal for raising a matter of great importance pertaining to the prestige of this August House and I also congratulate the Chief Minister for accepting a member of the Opposition Party to form a one man Committee to go into this matter.

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\*Note:—As the Committee could not finalize its report upto 1st November, 1981 the Hon'ble Speaker extended the period for submitting the final report upto 15th November, 1981 and later upto 1st December, 1981.

## ANNEXURE II

LIST OF WITNESSES WHO APPEARED BEFORE THE ONE MAN  
ENQUIRY COMMITTEE

1. Chaudhri Hukam Singh, M.L.A.	21-10-81
2. Chaudhri Sant Kanwar, M.L.A.	21-10-81
3. Shri K.C. Kapoor, Superintendent of Police (Vigilance), Haryana, Gurgaon.	21-10-81
4. Shri Partap Singh, Managing Director, Haryana Agro Industries Corporation, Chandigarh.	30-10-81
5. Shri Partap Singh, Managing Director, Haryana Agro Industries Corporation Chandigarh.	9-11-81
6. Shri B.R. Lall, Superintendent of Police (Vigilance), Haryana, Headquarters, Chandigarh.	30-10-81
7. Shri J.K. Batra, Assistant Engineer (suspended), Haryana Agro Industries Corporation.	30-10-81
8. Chaudhri Kanwal Singh, M.L.A.	30-10-81
9. Shri M.S. Malik General Secretary, Haryana Agro Industries Corporation Workers Union.	9-11-81
10. Shri Charan Singh, Salesman (the then), Farmers Service Centre, Hodel.	9-11-81
11. Shri J.K. Batra, Assistant Engineer (Suspended), Haryana Agro Industries Corporation.	10-11-81
12. Swami Aditya Vesh, M.L.A.	10-11-81

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