

**THE DISCIPLINARY COMMITTEE OF
THE INSTITUTE OF COMPANY SECRETARIES OF INDIA**

DC:NI:2012

IN THE MATTER OF COMPLAINT OF PROFESSIONAL OR OTHER MISCONDUCT

Shri Rajesh Nigam

....COMPLAINANT


Versus

Shri Hari Prasad Vyas

.....RESPONDENT

ORDER

1. The Institute had received a complainant from Shri Rajesh Nigam, ACS-3761 (hereinafter referred to as 'the Complainant') against Shri Hari Prasad Vyas, FCS-2882 (hereinafter referred to as 'the Respondent'). The Informant *vide* e-mail dated 20th March, 2012 had forwarded a judgment dated 5th January, 2012 of Hon'ble High Court of Uttarakhand at Nainital passed in the W.P. No. 41 of 2011 (S/B). The Hon'ble Court in the said judgement had *inter alia* quashed his suspension as Company Secretary in M/s. Uttarakhand Seeds & Tarai Development Cooperation Limited.
2. The Complainant had alleged that he had shown the said judgement to Shri Hari Prasad Vyas, PCS who was looking after the secretarial work of the company and requested to help him in getting his position back; but the Respondent did not cooperate. He further alleged that Shri Hari Prasad Vyas is performing the jobs of the Company Secretary in employment.
3. The Complainant was requested to file the complaint in Form-I *vide* e-mail dated 20th March, 2012. He did not do so; but *vide* his e-mail dated 26th March, 2012 had *inter-alia* requested the Disciplinary Committee to take necessary action.
4. Pursuant to sub-rule (3) of Rule 8 of the Company Secretaries (Procedure of Investigations of Professional and other Misconduct and Conduct of Cases) Rules, 2007 (the Rules) a copy of the information was sent to the Respondent *vide* letter dated 2nd April, 2012 asking him submit his written statement on the same. However, the said letter has been received undelivered with endorsement 'Refused'.
5. The Director (Discipline) pursuant to Rule 9 of the Rules examined the information, read the above judgement of Hon'ble High Court of Uttarakhand at Nainital passed in the W.P. No. 41 of 2011 (S/B) and other material on record, observed the allegation does not fall under any of the schedules of the Company Secretaries



Act, 1980 and held that *prima-facie* there is no case made out against Shri Hari Prasad Vyas for professional or other misconduct under the Company Secretaries Act, 1980 and accordingly, the information received against Shri Hari Prasad Vyas may be closed.

6. The *prima-facie* opinion of the Director (Discipline) dated the 21st May, 2012 was considered by the Disciplinary Committee at its meeting held on 1st June, 2012. The Committee considered the *prima-facie* opinion dated 21st May, 2012 of the Director (Discipline) and directed the Secretariat to write a letter to M/s. Uttarakhand Seeds & Tarai Development Corporation Ltd., requesting them to specify as to whether Shri Hari Prasad Vyas (FCS-2882) was / has been in employment with the Company as a Company Secretary.
7. Accordingly, a letter dated 6th June, 2012 / 21st June, 2012) was sent to M/s. Uttarakhand Seeds & Tarai Development Corporation Ltd., asking them to confirm about the status of the Respondent in the company. The company *vide* letter dated 20th June, 2012 has *inter-alia* stated that the Respondent is not in the employment of the company.
8. The Disciplinary Committee at its 33rd meeting held today considered the *prima-facie* opinion of the Director (Discipline) and the material on record, came to the conclusion that the said allegation does not fall under any of the schedules of the Company Secretaries Act, 1980 and no case is made out against Shri Hari Prasad Vyas for professional or other misconduct under the Company Secretaries Act, 1980 and accordingly the matter is closed. Accordingly, the information/ complaint stands disposed-off.



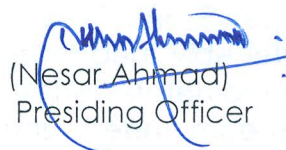
(B Narasimhan)
Member



(S K Tuteja)
Member



(Gopalakrishna Hegde)
Member



(Nesar Ahmad)
Presiding Officer

New Delhi
Date: 9th July, 2012