

PF scam: UP gets flak for failing to order CBI probe

New Delhi: A Supreme Court bench on Tuesday said it was time to stem the rot that seems to have crept into the judicial system. “The time has come because people have started categorising some judges as very honest despite it being the foremost qualification of any judge. It is the system. We have to find the mechanism to stem the rot,” it said.

Further, it asked: “Has the existing mechanism become outdated? Should with some minor modification, the mechanism could still be effective?”

The alacrity may have contrasted with the widely perceived reluctance of the judiciary to agree to investigation other than in-house probes, but was seen as reflecting the concern that has gripped the judiciary with skeletons tumbling out of its closets with frightening frequency. The earlier hearings in the SC were marked by fiery exchanges between the judges — CJI K G Balakrishnan and Justice B N Agarwal — on the hand and counsel on the other. The letter of SSP of Ghaziabad to his superiors, which was shown to the court, left little room for doubt about the need to get to the bottom of the most serious case of corruption in its ranks.

The officer, showing remarkable boldness, termed the embezzlement a “very large scam in judiciary” in which “judges appear to be directly involved”. He was also candid in admitting the handicap that he faced in conducting a probe of such a scale and spread and involving the judges before whom the local cop has to appear on a daily basis and whom he may be loath to offend.

In the letter he wrote to the UP DGP on June 23 this year, the Ghaziabad SSP recommended a CBI probe — something that the Bar Association of Ghaziabad had also demanded. The case involves fraudulent withdrawal of Rs 23 crore from the PF deposits of class IV employees of the courts in Ghaziabad by the central nazir or the treasury officer, Ashutosh Asthana. The treasury officer took out the money by forging applications of employees which were approved by the district judges concerned many of whom have since been elevated to HCs and the SC. The allegation is that Asthana’s operations spread over 5 years would not have continued that long without the indulgence of the district judge. And the SSP of Ghaziabad, after probing the matter, also concurred with the dominant opinion that many of the district judges were acting in concert with the treasury official in allowing the withdrawal of the money from the PF accounts.

The issue which first appeared to be a case of routine corruption took on a huge dimension after the vigilance judge, Rama Jain, stumbled upon the involvement of judges, leading to an investigation and subsequent directive of the Allahabad HC for registration of an FIR.

The Bench was irked by the fact that the UP government did not share it with the June 23 recommendation of the SSP for a CBI probe. The state was defended by additional advocate general Shail Kumar Dwivedi who told the court that the police have filed chargesheet against 75 accused, including the key accused Ashutosh Asthana, who was the central nazir during the scam period.

When an advocate Viplav Sharma objected to the ordering of CBI probe into the PF

scam saying it would harm the independence of judiciary, the Bench trashed it and said: “We are all concerned for independence of judiciary but at the same time if we find that someone is acting in a manner that impinges on the image of judiciary and hurting its independence, then should we stay aloof.”