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Central Administrative Tribunal, Principal Bench

Original Application No. 1000 of 2002

New Delhi, this the 11th day of December, 2002

Hon'ble Mr. Justice V.S. Aggarwal, Chairman
Hon'ble Mr. M.P. Singh, Member (A)

Shri Yogesh Mishra,
Welfare Officer,
Children Home for Boys,
Lajpat Nagar, New Delhi-14

....Applicant

(By Advocate: Shri S.C. Luthra)

Versus

1. Govt. of NCT of Delhi through
The Lt. Governor,
Raj Niwas, Delhi
2. Chief Secretary,
Govt. of NCT of Delhi,
I.P. Estate, New Delhi-2
3. Director,
Social Welfare,
Govt. of NCT of Delhi,
1, Canning Lane, K.G. Marg,
New Delhi

....Respondents

(By Advocate: None)

O R D E R (ORAL)

By Mr. M.P. Singh, Member (A)

By filing this O.A., the applicant is seeking directions to quash the joint disciplinary proceedings initiated against him and S/Shri A.K. Kardam and Naroti Lal with a further direction to quash the impugned orders at Annexures A-1, A-2 and A-3 and granting him all the consequential benefits.

2. The brief facts of the case are that the applicant was working as Welfare Officer Grade-II in the Children Home for Boys under the Govt. of NCT Delhi. While he was working on the said post, he was chargesheeted

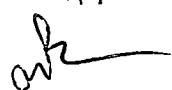


by memo dated 18.11.96 on the following Article of Charge:

"Shri Yogesh Misra while functioning as Welfare Officer, Gr-II in the C.H.B I & II, Lajpat Nagar, New Delhi did not attend to his duties in the night between 3.3.96 and 4.3.96 for which he was detailed by the Dy. Supdt. of the Institution. As a result of which one juvenile Master Rohit Ansar died in the institution at about 11.30 P.M. on 3.3.96 after being beaten by another inmate Master Doubiou throughout the day. Shri Mishra cannot be absolved of the responsibility for creating such an atmosphere in the Institution being a Welfare Officer."

3. The applicant was placed under suspension on 6.3.96. An inquiry was initiated against him. The enquiry officer conducted the inquiry and concluded that the charges are proved. The disciplinary authority has forwarded a copy of the findings of the enquiry officer to the applicant to submit his representation. He submitted his representation and the disciplinary authority, after taking into consideration the same, the findings of the enquiry officer and other relevant material, imposed the penalty on the applicant of reduction to five lower stages in the time scale of pay for a period of three years with a further direction that he will not earn increments of pay during the period of such reduction and on the expiry of this period, the reduction will have the effect of postponing his future increments of pay. Aggrieved by this, the applicant has filed the present O.A. claiming the aforesaid reliefs.

4. We have heard the learned counsel for the applicant. None appeared on behalf of respondents.

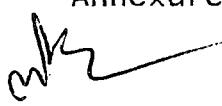


5. During the course of arguments, learned counsel for the applicant submitted that a joint inquiry was held in respect of nine persons and out of that, four have filed different OAs in this Tribunal. He drew our attention to the order passed in O.A.1321/2001 dated 27.9.2002 and O.A.219/2002 dated 7.10.2002. The Tribunal in both these cases have quashed the punishment orders and have remanded the case back to the respondents to hold the enquiry from the stage the applicant demanded the copy of the statement recorded in the preliminary inquiry and other relied upon documents.

6. According to the learned counsel for the applicant, the present case is on all fours with the two cases referred to above as in this case also, the copy of the statement recorded in the preliminary inquiry was not supplied to the applicant and thus a fair opportunity was not given to him to prepare his defence.

7. We have perused the papers placed before us and find that this O.A. is fully covered by the judgements dated 27.9.2002 and 7.10.2002, referred to above. In this case also, the applicant has taken the ground that he was not supplied a copy of the statement recorded in the preliminary inquiry and also the relevant documents asked for by him.

8. In the circumstances, we feel that ends of justice will be duly met if we quash the impugned orders at Annexure A-1, A-2 and A-3 and remand back this case to the



disciplinary authority to hold the enquiry from the stage the applicant demanded the statement recorded in the preliminary enquiry and other relevant documents. We direct accordingly. The O.A. is disposed of in the aforesated terms.


(M.P. Singh)
Member(A)


(V.S. Aggarwal)
Chairman

/dkm/