



**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

OA 100/866/2017
MA 100/3891/2019

New Delhi, this the 10th day of January, 2020

Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Ms. Aradhana Johri, Member (A)

Shri Ved Prakash Anand, aged about 68 years
Son of Shri Ram Datt Mal
67, Old Geeta Colony,
Delhi-110031
Group 'B', Retired as Accounts
Officer from DDA ... Applicant

(None appeared)

Versus

DDA & others through

1. The Lt. Governor, Delhi
Chairman, DDA,
Delhi
2. The Vice Chairman
DDA, Vikas Sadan,
New Delhi
3. The Commissioner (Pers)
DDA, Vikas Sadan,
New Delhi ... Respondents

(Through Shri Vaibhav Agnihotri with Ms. Ashita Chhibber,
Advocates)

ORDER (Oral)

Justice L. Narasimha Reddy, Chairman

The applicant was working as Accounts Officer in the
Delhi Development Authority (DDA). On receiving some
complaints about the acceptance of challans without verifying



the genuineness in as many as 12 cases, the respondents wanted to take action against the applicant. As a first step, they placed the applicant under suspension on 9.01.1998. The suspension remained in operation for more than a decade. Simultaneously, the CBI also instituted criminal proceedings against the applicant and through judgment dated 7.11.2014, the concerned criminal court held that though the applicant cannot be said to have committed any crime, disciplinary proceedings need to be initiated against him. The applicant filed criminal appeal before the Hon'ble Delhi High Court and that was disposed of on 13.03.2016. In the meanwhile, the applicant retired from service on 30.04.2009.

2. The respondents issued a charge memo dated 1.02.2017 to the applicant under rule 9 of CCS (Pension) Rules. This OA is filed challenging the said charge memo.

3. Main ground urged by the applicant is that it is issued beyond four years from the date of the incident and the same is not permissible under Rule 9 of the aforesaid Rules. Certain other grounds are also pleaded.

4. On behalf of respondents 1 to 3, detailed counter affidavit is filed. It is stated that the disciplinary proceedings



can be said to have commenced against the applicant in the year 1998 and they continued till he retired from service, in the form of pendency of criminal case. It is also stated that the Criminal Court itself directed initiation of disciplinary proceedings and the same has been upheld by the Hon'ble High Court in appeal.

5. The OA was initially filed by Shri B.S. Mathur, Advocate. An interim order was passed on 30.03.2017. Thereafter, Shri M.K. Bhardwaj, learned counsel is said to have filed Vakalat. However, at a subsequent stage, Shri M.K. Bhardwaj represented that he is not obtaining the case. It is being listed on various dates and there is no representation for the applicant. The respondents filed an application with a prayer to vacate the interim order.

6. Since this is one of the old cases in which stay is operating, we have perused the record and heard the learned counsel for the respondents.

7. The challenge in this OA is to the charge memo dated 1.02.2017. The charge framed against the applicant reads as under:

“Sh. Ved Prakash Anand, AO(Retd.) DDA while working as AO in HAU-9 DDA in the year 1996 entered into a criminal conspiracy with some private/unknown persons and issued no dues certificate in r/o four flats without verifying the genuineness of the challans resulting in loss of



Rs.36,32,613/- to the DDA with malafide intention. Out of the total 12 cases “No Dues Certificate” in r/o four cases were signed by Sh. V.P. Anand. The details of the 4 cases are as follows:

Sl.No.	Flat No.	Name of allottee	Cost in Rs.
1.	39-A, Pkt-C	Mrs. Sarla Devi	8,94,225.00
2.	30-A, Pkt-B	Sh. Surender Kumar	8,99,850.00
3.	43-D, Pkt-C	Sh. Ram Dev	9,18,295.00
4.	34-C, Pkt-D	Sh. D.K. Jain & Smt. Renu Jain	9,20,243.00
		TOTAL	36,32,613.00

By his above act of misconduct, Sh. V.P. Anand, AO (Retd.), DDA had exhibited his failure to maintain absolute devotion to duty, lack of absolute integrity and acted in a manner unbecoming of a government servant thereby contravened regulation 4-1(i),(ii),(iii) of DDA Conduct, Disciplinary & Appeal Regulation 1999.”

8. The truth or otherwise needs to be examined in the inquiry which is contemplated under the relevant rules. It is true that under Rule 9 of the Rules, disciplinary proceedings cannot be initiated against a retired employee in relation to the events that have taken place more than four years before the date of initiation. However, if one takes into account, sub-rule 6 thereof, it becomes clear that for the purpose of that rule, the disciplinary proceedings shall be deemed to have been initiated from the date on which charge memo is issued or the employee was placed under suspension.

9. In the instant case, the applicant was placed under suspension on 9.01.1998 and it remained in force till



22.08.2008. In the meanwhile, the criminal case was instituted and that was pending till 7.11.2014. Sub-rule 6 (b) of Rule 9 saves the limitation of 4 years, where judicial proceedings are also pending. The cumulative effect of various clauses in sub-rule 6 of rule 9 is that proceedings against the applicant were pending till 13.03.2016 on which date the appeal preferred by the applicant against the order of the Criminal Court was dismissed. Therefore, it cannot be said that the charge memo issued against the applicant is hit by limitation stipulated under rule 9 of the Rules.

10. We are not impressed by the other grounds pleaded in the OA. The OA is accordingly dismissed. The interim order passed on 30.03.2017 shall stand vacated. There shall be no order as to costs.

(Aradhana Johri)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

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