



Central Administrative Tribunal Principal Bench, New Delhi

O.A. No.2421/2014

Tuesday, the 21st day of January 2020

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. A.K. Bishnoi, Member (A)**

Legal Heirs of late Shri Harbhajan Singh, Ex. Asstt. Fitter,
Badge No.8059, Token No.35050

1. Usha Devi w/o late Shri Harbhajan Singh, age 52 years
2. Jaspal Bhogal s/o late Shri Harbhajan Singh, age 27 years
3. Inderjeet Bhogal s/o late Shri Harbhajan Singh,
Age 27 years
4. Tanu Bhogal d/o late Shri Bharbhajan Singh
Age 28 years

All residents of
E-458, Street No.8, Jagjeet Nagar
Delhi – 110 053

..Applicants
(Mr. Ravindra S Garia, Advocate)

Versus

1. Delhi Transport Corporation
Through Chairman, DTC
IP Estate, New Delhi – 110 001

..Respondent
(Ms. Ruchira Gupta, Advocate)

O R D E R (ORAL)

Justice L. Narasimha Reddy:

The facts of the case are that one Harbhajan Singh was working as an Assistant Fitter in Delhi Transport Corporation



from 1992. On the allegation of theft of spare parts, he was removed from service on 09.03.1989 and thereafter reinstated on 03.01.2002 on the basis of the Award passed by Labour Court. However, a complaint was received on 26.10.2010 to the effect that the applicant was involved in criminal cases when he was out of service and that he has also owned and operated buses, and that he did not furnish that information to the Corporation when he was reinstated. Accordingly, a charge memo dated 02.04.2012 was issued. The employee denied the charges and a detailed inquiry was conducted. The Disciplinary Authority passed an order dated 23.10.2012 removing the employee from service. An appeal preferred by him was also rejected.

3. Since the employee (Harbhajan Singh) died, his wife (Usha Devi) filed this O.A. challenging the order of removal as well as order passed by the Appellate Authority. She raised several contentions in the challenge to the said orders. During the pendency of O.A., the said Usha Devi also died on 22.04.2018. Thereafter, her legal heirs have come on record.

4. The respondents filed counter affidavit opposing the O.A. It is stated that the allegations against the employee are serious in nature and a detailed inquiry was conducted into the charges framed against him. It is stated that the Inquiry Officer held the charges as proved and accordingly, he was removed from



service. It is also stated that the Appellate Authority has taken into account, the points urged by the employee and has rejected the same.

5. We heard Sri Ravindra S Garia, learned counsel for applicant and Ms. Ruchira Gupta, learned counsel for respondents and perused the record.

6. The charges framed against the employee read as under:-

“i. The employee did not intimate the Respondent Corporation regarding the police case pending at the time of his reinstatement on 03.01.2002 and also regarding the buses registered in his name. Thus, the employee deliberately concealing the facts from the Respondent Corporation on this reinstatement.

ii. Buses with registration numbers, DL-1 PA-7499 and DL1PB-4737 were financed by the M/s. Harbhajan Singh Harmesh on 29.07.2007 and 22.06.2007. Thus, while working with the Respondent Corporation, the employee was involved in his private business/work, which is against the rules and regulations governing the service conditions of the employee with the Respondent Corporation.”

7. The employee submitted his reply on 20.04.2012. The Inquiry Officer filed a report holding the charge as proved. A copy of the report of Inquiry Officer was furnished to the applicant and on consideration of the same, the Disciplinary Authority passed an order removing the employee from service.



8. In the course of inquiry, the person, who submitted a complaint against the employee, was examined as witness. However, the employee refused to cross examine the witness. On his part, he did not adduce any evidence. Left with no alternative, the Inquiry Officer held the charges as proved.

9. Nowhere, it is pointed out that the employee was not provided with an opportunity or that any serious flaw has crept into the proceedings. The charges are very serious in nature and the Inquiry Officer found them as proved. Except pleading mercy, the employee did not deny the allegations made against him.

10. The employee had a record of his having been dismissed from service on earlier occasion, that too, on the allegation of theft of spare parts. The circumstances under which he came to be reinstated are not before this Tribunal. However, it emerged that the employee was involved in criminal cases and he did not bring the same to the notice of Corporation when he was reinstated. In addition to that, he was found to be operating some buses. Though the service regulations of the Corporation mandate that an employee must disclose all the facts, he deliberately suppressed them. The Corporation cannot keep in its service, an employee of such nature.



11. We do find any defect or error in the order passed by the Corporation and the O.A. is accordingly dismissed. There shall be no order as to costs.

(A.K. Bishnoi)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

January 21, 2020
/sunil/