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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

O.A. NO.2122/2001

This the 30th day of April, 2002.

HON'BLE SHRI V.K.MAJOTRA, MEMBER (A)

HON'BLE SHRI KULDIP SINGH, MEMBER (J)

Ravindra Singh S/O P.S.Parmar,
R/O 146, Lajpat Nagar,
New Delhi-110024.

... Applicant

(By Shri Arun Bhardwaj, Advocate)

-versus-

1. Lt. Gvernor of Delhi,
Raj Niwas Marg, Delhi.
2. Chief Secretary,
Govt. of NCT of Delhi,
Players Building, ITO,
New Delhi.
3. Inspector General of Registration,
GNCTD, Tis Hazari,
Delhi-110054.
4. Secretary (Services),
Govt. of NCT of Delhi,
Players Building, IP Estate,
New Delhi.
5. Director (Education),
Govt. of NCT of Delhi,
Old Secretariat, Delhi-54.
6. Director,
Department of Vigilance,
Govt. of NCT of Delhi
Old Secretariat, Delhi-54.

... Respondents

(By Shri Vijay Pandita, Advocate)

O R D E R

Hon'ble Shri V.K.Majotra, Member (A) :

Applicant was chargesheeted for major penalty under
Rule 14 of CCS (CCA) Rules, 1965 vide memorandum dated
8.10.1998 and called upon to answer the following
articles of charge :

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15

"ARTICLE-I

That the said Shri Ravinder Singh, Grade-I of DASS while functioning as Sub-Registrar, Asaf Ali Road, during the period 1997-98 committed gross mis-conduct in as much as he registered a Sale deed vide Registration No.2974, Addl. Book No.1, Volume No.9463 on pages 128-136 dated 20.5.97 in respect of property No. C-120, New Rajinder Nagar, New Delhi, through attorney holder although the attorney had no power to sell the 2nd floor. Besides, the SPA on the strength of which the sale deed was executed was deficient because the SPA did not bear the signature of any witnesses, which is a mandatory requirement for a SPA to make it a legal document, but Shri Ravinder Singh as Sub-Registrar ignored these glaring shortcomings and thus maliciously abused his official position with ulterior motive.

ARTICLE-II

That the said Shri Ravinder Singh while functioning the same capacity during the relevant period un-authorisedly kept the documents styled as "Relinquishment Deed with Consideration" in respect of property No.748-749, Naiwala, Karol Bagh, New Delhi, pending with him for about six months without disposing of the same on flimsy grounds with ulterior motive and malafide intention.

The above acts on the part of Sh. Ravinder Singh clearly show malicious abuse of his official position as Sub-Registrar and his failure to maintain absolute integrity, devotion to duty and conduct unbecoming of a Govt. servant thereby violating the provisions of Rule 3 of the CCS (Conduct) Rules, 1961."

In the departmental enquiry, applicant was imposed penalty of reduction to the lowest stage, i.e., Rs.6500/- in his time scale of pay for a period of three years without cumulative effect and not adversely affecting his pension, w.e.f. 1.6.2000. Applicant has challenged the aforestated penalty and orders related thereto in the present OA.



2. Learned counsel of applicant Shri Arun Bhardwaj stated that the enquiry officer had held article of charge-I as not proved and that of charge-II as proved. He further pointed out that the disciplinary authority had found that the charged officer had kept the documents, i.e., the relinquishment deed presented by Smt. Kaushalya Devi and Smt. Genda Devi on 7.1.1998 pending with him for about six months, and that whereas as Sub-Registrar, the charged officer was bound to issue a deficiency memo to the parties, if the documents were deficient for registration, he failed to do so and kept the documents pending without any justification. In this view of the matter, the disciplinary authority held article of charge-II proved against applicant. Learned counsel stated that one Shri S.K.Sharma had complained against the executants and also claimed to be one of the claimants of the property involved in the alleged relinquished deed. Thus, it was obligatory on the part of applicant as Sub-Registrar to establish the identity of the executants and since they had not established their identity by furnishing authoritative documents, delay was caused in registration of the deeds. The learned counsel further stated that applicant had issued deficiency memos which was later on established by the documents produced by respondents before the court. The learned counsel also contended that whereas in the list of documents relinquishment deeds dated 29.12.1997 executed by Smt. Kaushalya Devi and Smt. Genda Devi and presented in the office of Sub-Registrar on 7.1.1998 were included, they were not produced in the enquiry. According to him, deficiencies are recorded on the

11

original document and communicated to the party through a memo. Non-production of these documents prejudiced applicant's case in the departmental enquiry.

3. On the other hand, learned counsel of respondents Shri Vijay Pandita stated that applicant did not mention in his note dated 30.3.1998 (Ex. S-8 in the DE) that he had issued deficiency memos and reminders, and that had he issued deficiency memos and reminders, he would have mentioned the same in the said note. This factum was mentioned in the enquiry report. Learned counsel referring to the reply of respondent No.3 admitted that the office of Sub-Registrar had submitted a letter before the vigilance department that some documents were not available. But in the meantime, the departmental representative was transferred and then the records were traced. When this court directed respondents to produce the records, the same were produced and perused by the court whereupon order dated 20.9.2001 was made by the court. On perusal of the records produced by respondents, it was recorded on 20.9.2001, "We note that on 20.1.1998, two deficiency memos had been issued from the office of SR-III, New Delhi, i.e., the office of the Sub-Registrar, Sub-District No.3, New Delhi to the concerned parties".

4. As regards non-production of relinquishment deeds dated 29.12.1997 presented in the office of Sub-Registrar on 7.1.1998 in the enquiry, Commissioner of Departmental Enquiries in Annexure A-21 dated 15.2.1999 has recorded that "all the prosecution documents except

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the one listed at sl. No.7 of Annexure-III of the chargesheet have been procured in original and inspected by the CO. The PO's letter reveals that the document listed at sl. No.7 is not available in original." As per Annexure A-5 dated 8.6.1995 which are executive instructions relating to the process and procedure of identification by the registering officer, the registering officer is required to obtain clear identification, individually and collectively of the owner(s), transferor(s), executant(s), holder(s) of power of attorney, or the first party. He shall also obtain clear identification of individuals who act as witnesses to any document presented for registration. Even an advocate/legal representative acting as a witness is required to furnish Bar Council registration number and the identify card number.

5. On the basis of the records produced before the court on 20.9.2001, two deficiency memos had been issued on 20.1.1998 from the office of SR-III, New Delhi to the concerned parties.

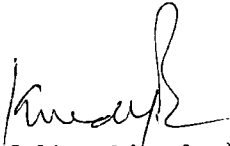
6. In view of the fact that one Shri S.K.Sharma had submitted complaint in relation to the registration of the relinquishment deed in question, applicant as Sub-Registrar was required under the instructions on the subject cited above to seek proof in respect of identity of the executants and it has already been established from the documents produced by respondents in the court that deficiency memos had been issued to the concerned parties. It is also established from Annexure A-21 that


12

relinquishment deed dated 29.12.1997 presented in the office of Sub-Registrar on 7.1.1998 had not been procured in original and shown to applicant for inspection. In view of the fact that deficiency memos had been issued to the concerned parties by the charged officer and important documents had not been shown to him in the enquiry, the findings of the enquiry officer holding article of charge-II as proved is nothing but a perverse conclusion. Accordingly, applicant could not have been penalised in the departmental enquiry.

7. Having regard to the reasons recorded and discussion mad above, we hold that respondents could not have held article of charge-II proved against applicant and as such, penalty imposed upon applicant and orders dated 22.5.2000 and 29.6.2001 (Annexures A-1 and A-2 respectively) relating to the departmental enquiry and punishment against applicant are quashed and set aside being illegal. Consequently, applicant shall be entitled to all consequential benefits.

8. The OA is disposed of in the above terms. No costs.


(Kuldip Singh)
Member (J)


(V. K. Majotra)
Member (A)

/as/