

Central Administrative Tribunal  
Principal Bench

O.A. No. 742 of 1995

New Delhi, dated this the 15th December, 1999

Hon'ble Mr. S.R. Adige, Vice Chairman (A)  
Hon'ble Mrs. Lakshmi Swaminathan, Member (J)

Shri Tek Chand,  
U.D.C.,  
Litigation Section,  
Directorate of Estates,  
Ministry of Urban Affairs & Employment,  
Nirman Bhawan,  
New Delhi-110001. .... Applicant

(By Advocate: Shri A.K. Behera)

Versus

1. Union of India through  
the Secretary,  
Ministry of Urban Affairs & Employment,  
Nirman Bhawan,  
New Delhi-110011.
2. The Director of Estates,  
Directorate of Estates,  
Ministry of Urban Affairs & Employment,  
Nirman Bhawan,  
New Delhi-110011. .... Respondents

(By Advocate: Shri N.S. Mehta)

ORDER (Oral)

BY HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)

Applicant impugns Respondents' order dated  
8.7.99 (Annexure A-1) whereby a punishment of censure  
was imposed upon him.

2. We have heard applicant's counsel Shri A.K. Behera and respondents' counsel Shri N.S. Mehta.
3. Applicant was proceeded against departmentally on the ground that an allottee of <sup>the</sup> certain Government quarter had taken voluntary retirement from service on 1.7.82 and normal license fee was received for the said

(12)

quarter from him upto <sup>2</sup> <sup>3rd</sup> June, 1982, payment in cash was also made by the aforesaid allottee on 11.12.82, applicant who was the dealing hand in that matter failed to bring this fact of payment in cash and non-recovery from 1.7.82 to the notice of senior officers and concerned allotment section in the Directorate of Estates.

4. The Enquiry Officer in his finding dated 17.12.92 (Annexure A-14) held the charge against applicant as not proved. A copy of the E.O's findings were furnished to the applicant, and applicant submitted his reply to the same. Thereafter the Disciplinary Authority by the impugned order dated 8.7.94 imposed the punishment of penalty of censure.

5. Applicant thereafter submitted his appeal on 19.9.94 (Annexure R-7) but upon receiving no response to the same and after awaiting for <sup>7</sup> <sup>1/2</sup> statutory period of six months, he filed this O.A.

6. A perusal of the impugned order makes it clear that the Disciplinary Authority differed with the findings of the E.O.

7. It is well settled that where the Disciplinary Authority disagreed with the findings of the E.O., the reasons for such disagreement have to be indicated to the delinquent officer, who is to be given an opportunity of submitting a representation before any final decision

is taken by the Disciplinary Authority in the matter. Clearly this procedure was not followed in the instant case.

8. Other grounds have also been taken by applicant's counsel in the O.A., but the aforesaid infirmity on the part of Respondents itself is sufficient ~~enough~~ to warrant judicial interference in the O.A. because the impugned order cannot be sustained in law.

9. In the result the O.A. succeeds and is allowed to the extent that the impugned order dated 8.7.94 is quashed and set aside. It will be open to respondents to proceed in the matter in accordance with law if so advised. No costs.

Lakshmi

(Mrs. Lakshmi Swaminathan)  
Member (J)

Adige

(S.R. Adige)  
Vice Chairman (A)

/GK/