



**Central Administrative Tribunal
Principal Bench, New Delhi**

O.A. No.3646/2016
M.A. No.1547/2020

Today, this the 19th day of November, 2020

Through video conferencing

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

P C Verma, EE (Civil), Retd.
Aged about 60 years
s/o Sh. Dal Chand
r/o 1/7381-B, Gali No.2
Shivaji Park, Shahdara, Delhi - 110 032

(By Mr. M. K. Bhardwaj, Advocate)

...Applicant

Versus

1. Delhi Development Authority
Through its Vice Chairman,
Vikas Sadan, New Delhi.
2. The Engineer (Member)
Delhi Development Authority,
B-Block, Vikas Sadan,
New Delhi.

(By Mrs. Sriparna Chatterjee, Advocate)

....Respondents

ORDER (ORAL)

Mr. Justice L. Narasimha Reddy:

The applicant was working as Executive Engineer (Civil) in Delhi Development Authority (DDA) in 2016. He was issued a charge memorandum dated 22.09.2016. The allegation was that he allowed the execution of sub-standard quality of RCC work for various RCC members between 194-1996, and as a result, the DDA had to undertake special repairs to the flats at a cost of Rs.61.85 laes (approximately). It was alleged that he was



guilty of grave dereliction of duty and that he failed to maintain absolute integrity and behaved in a manner, unbecoming of an employee of DDA. This O.A. is filed challenging the charge memo.

2. The applicant contends that the allegation was made on the basis of a report published in the Hindustan Times in July 2015 and promptly enough, the Vice Chairman of DDA ordered an inquiry. It is also stated that in the report, the National Council for Cement and Building Materials (NCCBM) has stated that extensive cracking of concrete at few locations in RCC slabs, beams and columns in various houses at Sector 14-B, Dwarka Phase II have been observed and low density concrete has been indicated by cores drawn from selected RCC members; and that the same was accepted by the Vice Chairman also, and despite that, the impugned charge memorandum was issued. Various other grounds are also urged. The OA is filed challenging the charge memos.

3. On behalf of the respondents, a detailed counter affidavit is filed. It is stated that the flats remained vacant for some time, awaiting water and electricity connections, and as soon as the flats were allotted, the allottees have complained about the defects in the structures. It is mentioned that as a special measure, repairs were carried out and long ago it was decided to identify the persons, who are responsible and accordingly, a charge memorandum was issued to the applicant. It is stated that the truth or the otherwise of the allegations against the applicant can be verified only in the departmental inquiry and



the charge memo cannot be interfered with. It is stated that as soon as the allotments were made, the allottees started complaining and thereafter, a decision was taken to; (a) immediately remove the defects and (b) to identify the persons responsible for the same. It is also mentioned that in case it emerged that poor construction was on account of negligence on the part of the contractors, a decision would also be taken to black list them. According to them, the administrative steps taken at various stages have delayed the actual initiation of disciplinary proceedings and ultimately, the charge memorandum was issued.

4. We heard Mr. M. K. Bhardwaj, learned counsel for applicant and Mrs. Sriparna Chatterjee, learned counsel for respondents.

5. The circumstances, under which the Tribunal can interfere with the charge memorandum, are fairly well known. It is only when a charge memorandum is issued by an authority not vested with the power or where it emerges that the charges are contrary to the specific provisions of law, that an occasion to interfere with it, would arise. Though the delay in initiation of proceedings is one of the factors, it is in very rare cases. Much would depend upon the nature of explanation as regards the delay between the actual occurrence and the date of issuance of charge memo.

6. If one just looks into the allegation in the charge memorandum, and its date, an impression will be gained that the charge memorandum was issued 21 years after the alleged



incident. However, the respondents have explained the consequence of events that have taken place ever since the flats were allotted to the allottees.

7. We are satisfied with the reasons mentioned in the paragraph (2) of the counter affidavit, about the apparent delay. At the same time, various pleas urged by the applicant in this O.A., such as that a report was submitted by a Chief Engineer or the other persons connected with the construction activity were left out, needs to be taken into account, by the authorities. The applicant has since retired from service. The disciplinary proceedings could not be progressed on account of the interim order passed by the O.A.

8. Though reliance is placed upon certain judgments in Writ Petition No.8094/2009, etc., and, we find that the facts of those cases are substantially different from the facts of the present case.

8. We, therefore, dispose of the O.A. declining to interfere with the charge memorandum, but directing that the proceedings shall be resumed and concluded within a period of six months from the date of receipt of a copy of this order, and that the authorities shall take into account, the various pleas raised by the applicant.

(A. K. Bishnoi)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

Sunil/sd