



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

O.A. No.859/2020

This the 14th day of December, 2020

(Through Video Conferencing)

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

DiwanSingh, aged 57 years,
S/o Sh. Trilok Singh Bisht,
Was working as Executive Officer, Group A,
In National Institute of Urban Affairs, New Delhi.
R/o 992, ArunVihar, Sector -37, Noida (UP).

Applicant

(through Mr. Yogesh Sharma, Advocate)

Versus

1. Union of India through the Secretary,
Ministry of Housing & Urban Affairs,
Govt. of India, Nirman Bhawan, New Delhi.
2. The Director,
National Institute of Urban Affairs,
India Habitat Centre, Lodhi Road, New Delhi.

... Respondents

(through Mr. Hanu Bhaskar and Ms. Sonia A. Menon Advocate)

ORDER (Oral)**Justice L. Narasimha Reddy, Chairman:**

The applicant was working as Executive Officer in the National Institute of Urban Affairs, the 2nd respondent herein. Disciplinary proceedings were initiated against him by issuing a charge memorandum dated 12.09.2018. The applicant denied the charges contained therein. Not satisfied with that, the Disciplinary Authority appointed the inquiry officer. Through the report dated 01.04.2019, the Inquiry officer held the charges against the applicant as proved. Taking the same into account, the disciplinary authority passed an order dated 27.11.2019 dismissing the applicant from service. This OA is filed challenging the charge sheet dated 12.09.2018, the report of the Inquiry Officer 01.04.2019 and the order of removal dated 27.11.2019.

2. The applicant contends that the charges framed against him are without any basis and are tainted with factors such as arbitrariness and vindictiveness. He submits that the Inquiry Officer convened a session on 04.02.2019 and just on the basis of his interaction on that day, the charges are proved, and thereby he rendered the entire process as mockery. It is also stated that the disciplinary

authority did not appreciate various grounds urged by him in the representation.

3. On behalf of the respondents a detailed counter affidavit is filed. It is stated that the enquiry was conducted against the applicant in to serious allegations and that the prescribed procedure was followed at every stage.



4. The applicant filed a rejoinder to the reply.

5. We heard Mr. Yogesh Sharma, learned counsel for the applicant and Mr. Hanu Bhaskar and Ms. Sonia A. Menon, learned counsel for the respondents.

6. The applicant was issued a charge memo dated 12.09.2018 which contained four articles of charge. It was in relation to the handling of fixed deposits. He denied the charge by submitting an explanation and not satisfied with that the Disciplinary Authority appointed one Ms. Debolina Kundu as inquiry officer and Mr. Ajay Nigam as presenting officers. The applicant engaged one Mr. D.P. Sharma as defence assistant.

6. However, IO submitted report by conducting proceedings only on one day. There again no witnesses were examined much less they were permitted to be cross

examined. When these deficiencies were pointed out, the learned counsel for the respondents sought time to obtain instructions from the 2nd respondent. Fairly enough the second respondent is said to have agreed to set aside the order of punishment and the report of the IO. They have also offered to appoint another inquiry officer. There cannot be a better redressal of the grievances of the applicant, than this.



7. We, therefore, set aside the punishment order dated 27.11.2019 and the report of the IO dated 01.04.2019. The charge sheet shall remain intact and the respondents shall appoint another IO as early as possible. Since the applicant was under suspension before he came to be removed from service, he shall continue under suspension. The proceedings shall be concluded as early as possible and the applicant shall extend cooperation. Depending upon the outcome of the proceedings, the disciplinary authority shall decide the manner in which the period during which the applicant was under suspension shall be decided.

8. We, therefore, dispose of the OA with the above directions. There shall be no order as to costs.

**(Mohd.Jamshed)
Member (A)**

**(Justice L. Narasimha Reddy)
Chairman**

cc/lg/ankit/sd