

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



**RA No.57/2020
In
OA No.250/2015
MA No.1357/2020/2105/2020/2106/2020
with
RA No.58/2020
in
O.A. No.221/2015
MA No.1358/2020/2102/2020/2104/2020**

This the 26th day of October, 2020

(Through Video Conferencing)

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

RA No.57/2020 in OA No.250/2015

Delhi Development Authority,
Vikas Sadan,
Near INA Market,
New Delhi.

.. Applicant

(By Advocate : Ms. Sriparna Chatterjee)

Versus

Jiwan Ram Gupta,
S/o Late L.C. Gupta,
Aged about 76 years,
R/o A-38D, DDA Flats,
Munirka,
New Delhi-110067.

.. Respondents

(By Advocate : Shri Girijesh Pandey)

RA No.58/2020 in OA No.221/2015

Delhi Development Authority,
Vikas Sadan,
Near INA Market,

New Delhi.

.. Applicant

(By Advocate : Ms. Sriparna Chatterjee)

Versus

Jiwan Ram Gupta,
S/o Late L.C. Gupta,
Aged about 76 years,
R/o A-38D, DDA Flats,
Munirka,
New Delhi-110067.

.. Respondents

(By Advocate : Shri Girijesh Pandey)

ORDER (Oral)

Justice L. Narasimha Reddy, Chairman:

MA No.1357/2020 & MA No.1358/2020

These Applications are filed with a prayer to condone the delay in filing the Review Applications. It is stated that the delay occurred in the course of the examination of record and obtaining the copy of the same. A copy of the same was furnished to the learned counsel for applicant in the OA.

2. We heard Ms. Sriparna Chatterjee, learned counsel for applicant and Shri Girijesh Pandey, learned counsel for respondents.

3. We are satisfied with the reasons furnished for the delay in filing the RAs. The MAs are accordingly allowed and the delay is condoned.



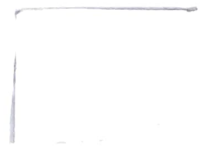
RA No.57/2020 in OA No.250/2015 &

RA No.58/2020 in OA No.221/2015

4. The respondents in the OA Nos.250/2015 and OA No.221/2015 filed these two RAs with a prayer to review the common order dated 03.12.2019.

5. The applicant in the OA was appointed as Accounts Officer and he retired from service in February, 2004. Disciplinary proceedings were initiated against him and through separate orders, punishment was imposed upon him by the Finance Member of the Delhi Development Authority (DDA). The OAs were allowed solely on the ground that the disciplinary authority for such cases is the Lt. Governor and the order passed by the Finance Member, DDA, is without jurisdiction.

6. In the RAs, it is stated that the matter was dealt with by the Lt. Governor in July, 2019 and through an order dated 27.07.2019, the disciplinary authority i.e. Lt. Governor has imposed the punishment. It is stated that, inadvertently, the said proceedings could not be placed



before the Tribunal when the cases were decided on 03.12.2019.



7. The only ground on which the OAs were allowed was that the Finance Member did not have the jurisdiction. In para 8, we observed as under :-

“8. The case in hand falls into the 2nd category. The penalty ought to have imposed by the Chairman. Instead, the same was imposed by the Finance Member. Therefore, the Authority, who passed the impugned orders, is not vested with the power.”

8. The orders of punishment were set aside and it was left open to the competent authority to take necessary steps.

9. It emerges that the competent authority i.e. Lt. Governor passed an order on 27.07.2019, imposing the punishment. If the applicant is so advised, he can challenge those proceedings. The respondents shall be under obligation to furnish the copy of the same to the applicant.

10. The RAs are accordingly allowed. We recall the order dated 03.12.2019 in OA Nos.250/2015 and OA No.221/2015 and dismiss the OAs, leaving it open to the applicant to challenge the order dated 27.07.2019.

Pending MAs, if any, shall stand disposed of.

There shall be no orders as to costs.



(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

/pj/jyoti/rk/sd