



Central Administrative Tribunal Principal Bench, New Delhi

O.A. No.2180/2020

Through video conferencing

Wednesday, this the 23rd day of June, 2021

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

N C Godlaw, Executive Engineer (Civil)
Aged about 58 years
s/o late Sh. K C Godlaw,
r/o Flat No.C-602, SS Apartments
Plot No14, Sector 19B,
Dwarka, New Delhi – 110 075

... Applicant

(Mr. M K Bhardwaj, Advocate)

Versus

1. Delhi Development Authority
Through its Chairman (Appellate Authority),
Raj Niwas, New Delhi
2. Delhi Development Authority through its Vice
Chairman (Disciplinary Authority), Vikas Sadan,
INA, New Delhi

..Respondents

(Mr. Manjeet Singh Reen, Advocate)

ORDER (ORAL)

Mr. Justice L. Narasimha Reddy:

The applicant was appointed as Assistant Engineer
in the Delhi Development Authority (DDA), the



respondents herein, on 26.09.1988. He earned promotions to the post of Executive Engineer. He was issued a charge memo dated 07.01.2016, alleging that he committed certain irregularities in awarding the works to certain agencies. The applicant denied the charges. Not satisfied with that, the Disciplinary Authority (DA) appointed the Inquiry Officer (IO). The charges were held proved in the inquiry. The report of IO was furnished to the applicant and on a consideration of the representation submitted by him, the DA passed order dated 30.10.2019, imposing the penalty of reduction to a lower stage in the time scale of pay for one year with cumulative effect. Appeal preferred against the order of punishment was rejected by the Appellate Authority on 14.10.2020.

This O.A. is filed, challenging the order dated 30.10.2019 passed by DA, as affirmed by the Appellate Authority on 14.10.2010.

2. The applicant contends that in respect of the very allegations, he was issued a charge memo on 03.02.2012 and on a consideration of the explanation submitted by him, the minor penalty was imposed on 20.11.2014. He contends that the very initiation of the proceedings through the charge memo dated 07.01.2016 is untenable



and the punishment imposed with reference to that, deserves to be set aside.

3. The respondents filed a detailed counter affidavit. They stated that the two sets of proceedings were substantially different and the mere fact that the name of the same agency is mentioned, is not a factor to treat them as same.

4. Today, we heard Mr. M K Bhardwaj, learned counsel for applicant and Mr. Manjeet Singh Reen, learned counsel for respondents.

5. The applicant feels aggrieved by the major penalty of reduction to a lower stage in the time scale of pay for one year with cumulative effect vide order dated 14.10.2020. The basis for imposition of that punishment was the charge memo issued on 07.01.2016. The charges leveled against the applicant are as under:-

“Article I

He had directed to issue/sale of the tender to non pre-qualified/ineligible and inexperienced agency i.e. M/s. Sportina Payce Infrastructure Pvt. Ltd. without verifying the fact that it was not the exact pre-qualified agency viz. M/s. Sportina Payce Construction (India) Pvt. Ltd. (Consortium). Subsequently the work was awarded to the same



ineligible and inexperienced agency after becoming the lowest tenderer, thus rendering the entire process of pre-qualification as futile.

Article II

He had mis-stated the name of the L-1 agency as Sportina Payce Construction (India) Pvt. Ltd. in the tender forwarding Memo sent to CE (SWZ) vide No. F 11(1)2007/CGD-3/DDA/A/550 dt. 11.12.2007 whereas the tender was actually sold to a non-prequalified agency viz. Sportina Payce Infrastructure Pvt. Ltd. thus he had misled the CE and SE about the true identity of the tenderer.”

6. On denial of the charges, the IO was appointed. In his report, the IO held the charges as proved. A copy thereof was furnished to the applicant and the punishment was inflicted upon the applicant. Two grounds are urged by the applicant. The first is that the disciplinary proceedings initiated by the charge memo dated 07.01.2016 are the same as those initiated vide charge memo dated 03.02.2012. We compared both the charge memos. It may be true that the allegation was of awarding the works to some agencies. The fact, however, remains that the tenders and works mentioned in second charge memo are totally different. Therefore, the contention raised in this behalf cannot be accepted.

7. The second ground is that while in the case of first charge memo the minor penalty was imposed, whereas in



the second set of proceedings, which are similar, the major penalty was imposed. We find some strength in this plea. The nature of allegations in the disciplinary proceedings is similar. Though the works are different, in the first charge memo, the minor penalty was imposed, whereas in the second, a major penalty was imposed. We are of the view that the ends of justice will be met if the punishment imposed vide order dated 30.10.2019 is modified to the one, of minor punishment without cumulative effect.

8. The O.A. is accordingly partly allowed, modifying the punishment imposed vide order dated 30.10.2019, as confirmed vide order dated 14.10.2010, to be the one, without cumulative effect. The applicant shall not however be entitled to be paid arrear on that account. There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

June 23, 2021
/sunil/