

Item No.18



**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

O.A. No. 1082/2021

This the 28th Day of July, 2021

(Through Video Conferencing)

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

Shri Anil Dalal, Supdtg. Engineer, Group 'A', Aged 59 years
R/o. 3402, Mohindra Park, Rani Bagh
Shakur Basti, Delhi - 110034

... Applicant

(By Advocate : Shri Rajeev Sharma)

Versus

The Commissioner,
North Delhi Municipal Corporation
4th Floor, Civic Centre, JLN Marg,
New Delhi – 02.

... Respondents

(By Advocate : Shri R.V. Sinha)

O R D E R (ORAL)

Justice L. Narasimha Reddy:

The applicant is working as Superintendent Engineer in the North Delhi Municipal Corporation (NDMC). He was issued a charge memo dated 13.09.2019, alleging that while working as Executive Engineer in Karol Bagh Zone between 09.09.2005 and 22.02.2006, he failed to maintain absolute integrity and committed gross misconduct. In the statement of allegation, it was mentioned that he failed to fix the demolition programme



against the unauthorized construction of premises, by name Arpit Palace, despite the orders passed by the Hon'ble High Court of Delhi from time to time. The details of various orders passed by the Municipal Corporation as well as by the Hon'ble High Court of Delhi are indicated and ultimately, it is stated that the building suffered a serious fire accident, resulting in loss of human life and property.

2. The applicant contends that he worked in Karol Bagh Zone for a period of less than six months, that too, more than a decade earlier to the fire accident. He states that even from the statement of allegations, it is evident that more than a dozen orders of demotion were passed, and quite large number of proceedings also ensued, but despite that, the building was completed, so much so, the Municipal Corporation has also collected taxes year after year and it is not proper for them to initiate disciplinary proceedings against him.

3. The respondents filed a detailed reply. It is stated that the applicant and several other similarly situated officials committed the gross negligence and on account of that, not only the building came into existence but also it caught fire, resulting in huge loss of human life and property.

Item No.18



4. Today, we heard Mr. Rajeev Sharma, learned counsel for the applicant and Mr. R.V. Sinha, learned counsel for the respondents.

5. The allegation made against the applicant is referable to the year 2005-06. Hardly, he worked for six months in the Karol Bagh Zone during that period. From the statement of allegations, it is clear that dozens of orders for demolition were passed, and the judicial proceedings also ensued in this behalf. When such is the state of affairs, it is not proper or legal to hold the applicant responsible for the coming into existence, of building or thereafter.

6. Obviously by responding to the public criticism against functioning of the Municipal Corporation, they have chosen to initiate the disciplinary proceedings against every engineering official that worked in Karol Bagh Zone over the past two decades.

7. Identical matters, being OA Nos.3543/2019, 3552/2019, 1292/2020 and 152/2020 were dealt with by this Tribunal on earlier occasions. All the OAs were allowed and the charge memos challenged therein were set aside.

Item No.18



8. Following the same, we allow this OA also and set aside the charge memo. There shall be no order as to costs.

(A.K. Bishnoi)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

/sd/lg/vb/akshaya/