



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

**OA No. 1292/2020
With
OA No. 152/2020**

This the 07th day of May, 2021

(Through Video Conferencing)

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

1. OA No. 1292/2020

K. C. Meena,
S/o Late N.L. Meena,
R/o 231, Vasant Enclave,
New Delhi.

... Applicant

(By Advocate : Mr. Rajeev Sharma)

Versus

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

... Respondent

(By Advocate : Mr. R. V. Sinha with Mr. Amit Sinha and Mr. R. K. Jain)



2. OA No. 152/2020

Shri S. K. Chauhan,
S/o M. S. Chauhan,
Rt. E.E., age 53,
Group A,
New Rajinder Nagar,
Delhi.

... Applicant

(By Advocate : Mr. Rajeev Sharma)

Versus

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

... Respondent

(By Advocate : Mr. R. V. Sinha with Mr. Amit Sinha and Mr. R. K. Jain)



O R D E R (ORAL)

Justice L. Narasimha Reddy, Chairman :

The subject matter of these two OAs is similar. Hence, they are being disposed of by this common order.

2. In OA No. 152/2020, the applicant has challenged the charge memo dated 13.09.2019, as modified on 03.12.2019. In OA No. 1292/2020, the applicant challenges the charge memo dated 08.11.2019.

3. We heard Shri Rajeev Sharma, learned counsel for the applicants and Shri R. V. Sinha with Shri. Amit Sinha and Shri. R. K. Jain.

3. The applicants in both the OAs have worked as Executive Engineer (EE) in the Delhi Municipal Corporation (DMC). At one point of time, they were posted in the Building Department, Karol Bagh Zone. A building known as 'Arpit Palace' was constructed without permission or in contravention of the rules in the early 90s. Extensive litigation ensued in relation thereto, so much so, that dozens of orders of demolition were passed. Ever after that, the building survived and a Hotel was being run. A fire incident took place in the Hotel, in the year 2019, resulting in death of quite large number of persons. Obviously, DMC became alert and



initiated action against various employees, who according to them, were responsible for the very existence of the building. In the process, the applicants were issued charge memos. The allegation reads as under:-

“Sh. Kailash Chand Meena, while working as Executive Engineer, Building Department, Karol Bagh Zone during the period from 16.4.1998 to 25.11.1999 failed to maintain absolute integrity, devotion to duty and committed gross misconduct which is unbecoming of a municipal employee on the following counts:

1. He failed to fix the demolition programme against the unauthorized construction carried out in property No. 17-A/1, WEA, Gurudwara Road, Karol Bagh, Delhi (Arpit Palace) despite the disposal of the stay order dated 25.1.1994 by the Hon’ble High Court of Delhi on 31.08.1995.
2. He further failed to get initiated sealing action u/s 345-A DMC Act against the said unauthorized construction and prosecution action u/s 323/466-A DMC Act against the owner/builder.

He, thereby, contravened Rule 3(1) (i) (ii) (iii) and 3 (2) of the CCS (Conduct) Rules, 1964 as made applicable to the employees of North DMC.”

4. Except for the relevant period, during which the applicants worked, the allegations are common in both the charge memos. Identical charge memo was issued to other employees also. They filed OA No. 3543/2019 and OA No. 3552/2019 before this Tribunal. After perusing the pleadings and after hearing the learned counsel for the parties, the Tribunal passed a detailed order dated 11.01.2021. It was found that the issuance of charge memo was a perfunctory exercise just to cover up the lapses that even while the persons who were responsible for permitting or ignoring



construction of the building and, thereafter, permitting the hotel, to run were spared.

5. OA No. 3543/2019 and OA No. 3552/2019 were allowed and the charge memos issued to the applicants therein were set aside.

6. Since the charges are identical in the instant OAs also, we allow these two OAs also and set aside the impugned charge memos. There shall be no order as to costs.

(Tarun Shridhar)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

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