

**CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH**

O.A. No.319/2013

New Delhi this the 23<sup>rd</sup> day of August, 2016.

**HON'BLE MR. P.K. BASU, MEMBER (A)**

Lalit Joshi,  
S/o Late Shri P.D. Joshi,  
R/o F-826, Govt. Flats,  
Timar Pur, Delhi. .. Applicant

(By Advocate : Shri M.K. Bhardwaj)

Versus

Govt. of NCT & Ors. through

1. The Commissioner of Police,  
Police HQ, I.P. Estate,  
New Delhi.
2. The Joint Commissioner of Police,  
Northern Range,  
MSO Building,  
I.P. Estate, New Delhi.
3. The Dy. Commissioner of Police,  
North West Distt.,  
Delhi. .. Respondents

(By Advocate : Mrs. P.K. Gupta)

**ORDER (ORAL)**

Heard the learned counsel for both sides.

3. The bone of contention is that the applicant has been awarded 'censure' order, which is being challenged. The background is that

the applicant was SHO, Bharat Nagar at the time when the encroachment on Govt. land took place. He had displayed a lackadaisical approach in discharge of his official duty by failing to take adequate action for removing encroachment from the Govt. land. His explanation was sought which was examined by the disciplinary authority. He was also heard in orderly room and, thereafter, his appeal was rejected. The disciplinary authority states as follows:

“The pleas taken by Insp. Lalit Joshi, SHO/Bharat Nagar in his written as well as oral submission is not found to be convincing as he was specifically directed by the then DCP/NWD that action for occupying Govt. Land be taken against the above said person vide this office endst. No.716-17/Licensing Counter/EH/NWD dated 20.10.2010 but he did not obey the order of senior officers which is not excusable. Therefore, the show cause notice issued to Insp. Lalit Joshi, SHO/Bharat Nagar is confirmed. As such his conduct is hereby censured for the above said lapse.”

3. It is submitted by the learned counsel for the applicant that the ‘censure’ has been awarded to the applicant on the ground that he disobeyed the order of the senior officer and not on the original charge against him, which was dereliction of duty. Moreover, which order of the senior officer has been disobeyed is not specified. He further states that he cannot be awarded a punishment on a charge which was not included in the original show cause notice.

4. Learned counsel for the respondents states that the main charge was dereliction of duty and the order passed by the

Disciplinary Authority and the rejection of his appeal by the Appellate Authority shows that the charge held has been proved. From the charge sheet, it would be clear that there was an enquiry against the eating house which had encroached upon Govt. land and based on that, ACP, Ashok Vihar had not recommended the case for grant of licence. Obviously, the SHO, Bharat Nagar after such direction by the ACP, Ashok Vihar was supposed to honour it. However, on enquiry it was found that despite this, SHO, Bharat Nagar, had failed to take adequate action and the shopkeeper again encroached on Govt. land and he was found oblivious of this.

5. It would be clear that the punishment awarded to the applicant has been for dereliction of duty and not for disobedience of order. Dereliction of duty is the disobedience of order to take certain actions which he did not take. In fact, I am surprised that the respondents have let off the applicant lightly in such a grave instance of dereliction of duty. Be that as it may, this O.A. does not have any merit and is, therefore, dismissed. No order as to costs.

**(P.K. Basu)**  
Member(A)

/Jyoti/