

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

OA No. 3812/2018

This the 8<sup>th</sup>day of October, 2018

**Hon'ble Mr. K.N. Shrivastava, Member (A)  
Hon'ble Mr. S.N. Terdal, Member (J)**

Ronjon Lahiri  
S/o Late Sh. R.N. Lahiri  
Aged about 58years,  
Working as Assistant Director General  
in the Ministry of Tourism, Govt. of India  
New Delhi.  
Resident – G-51/UD-2, Dilshad Colony  
Delhi – 110095.

....Applicant

(By Advocate :Mr. Sudarshan Rajan and  
Mr. Ramesh Rawat

Versus

1. Union of India  
Through, its Secretary  
Ministry of Tourism  
Transport Bhawan  
1, Parliament Street  
New Delhi.
2. The Additional Director General (Tourism)  
Ministry of Tourism  
Transport Bhawan  
1, Parliament Street  
New Delhi.

....Respondents

(By Advocate :Mr. Ranjan Tyagi)

**ORDER (ORAL)**

**Mr. K.N. Shrivastava, Member (A)**

The applicant is working as Assistant Director General in the Department of Tourism, Govt. of India. At the relevant point of time, he was posted as Head of Indian Tourism Office (ITO), Toronto, when Year of India in Canada (YIC) event took place.

For alleged irregularities in the incurring of expenditure relating to YIC, Annexure A-1 charge memorandum dated 21.11.2102 came to be issued to him under Rule 14 CCS (CCA) Rules, 1965, in which the following articles of charge have been levelled against the applicant :-

**“Article-I**

ITO Toronto under Shri Ronjon Lahiri entered into a contract worth CAD 418,907.47 equivalent to Rs.1.93 crore with M/s Glendon Consulting Group (GCG) without any objective verification of credentials and existence of this firm. Shri Lahiri thus failed to adhere to one of the basic and indispensable requirement precedent to a contract. This omission was not out of an inadvertence but only one of the series of actions, each apparently coloured with personal consideration and in any case against the interest of the Government of India.

This action of Shri Ronjon Lahiri was inherently suspect if the total picture is reckoned wherein the ITO Toronto under Shri Lahiri decided not to seek bids/invite tender for the work through an open advertisement and eventually awarded contract for an amount far in excess of his delegated financial powers.

The three pieces of omission on the part of Shri Ronjon Lahiri were part of a larger stratagem of self seeking at the cost of the Government. With regard to rules and other formally laid down dispensations, Shri Ronjon Lahiri had acted in the manner contravening the financial powers delegated vide Ministry of Tourism's OM No.15-OM(22)/2008 dated 30.12.2008 deduced from Rule 13 (2) of the Delegation of Financial Powers Rules, 1978 and Rule 160 of the GFR, 2005.

Thus, Shri Ronjon Lahiri, Assistant Director General acted in the manner contravening the provisions of Sub-rule 1 (i) (ii) & (iii) of the Rule 3 of the CCS (Conduct) Rules, 1964 thereby rendering himself liable for disciplinary action as deemed fit by the competent authority.

**Article-II**

ITO Toronto under Shri Ronjon Lahiri adopted the policy of pick-and-choose, without recorded reasons and justification, as it invited bids from only either firms. Worse still, the call for quotations did not define the scope of work, rendering, deliberately and with intention suspect, the exercise of firm selection rather subjective.

Shri Lahiri appeared to become law unto himself as he freely entered into negotiations with the firms especially Glendon Consulting Group as to the terms of the contract. At no stage did he obtain the approval of the Competent Authority as to the scope of work/its alteration.

Shri Lahiri kept the MoT out of picture deliberately to ensure that he was not intercepted while pursuing his self interest. Thus, Shri Lahiri acted in utter disregard of the Competent Authority and also violated Rules 21 & 166 of GFR, 2005 which required conformance to standards of financial propriety and preparation of scope of required work.

Thus, Shri Ronjon Lahiri, Assistant Director General acted in the manner contravening the provisions of Sub-rule 1 (i) (ii) & (iii) of the Rule 3 of the CCS (Conduct) Rules, 1964 thereby rendering himself liable for disciplinary action as deemed fit by the competent authority.

### ARTICLE-III

ITO Tronto under Shri Ronjon Lahiri carried out negotiations with the highest bidder for celebration of “Year of India in Canada 2011” i.e. M/s Glendon Consulting Group (GCG). This was outrageous since this was just the opposite of the provision that required preference for the lowest bidder/tnderer. This act of omission on the part of Shri Lahiri is to be seen in its larger context, wherein Shri Lahiri had committed acts of omission one after the another presumably to take his self seeking stratagen to its logical end. As for the rule, Shri Lahiri breached Rules 21 & 160 of General Financial Rules, 2005.

Thus, Shri Ronjon Lahiri, Assistant Director General acted in the manner contravening the provisions of Sub-rule 1(i), (ii) & (iii) of the Rule 3 of the CCS(Conduct) Rules, 1964 thereby rendering himself liable for disciplinary action as deemed fit by the competent authority.

### Article-IV

ITO Tronto under Shri Ronjon Lahiri entered into a contract for organizing activities in connection with the celebration of “Year of India in Canada 2011” with a non-existence firm namely M/s Glendon Constulting Group. This was extraordinary as Shri Ronjon Lahiri appeared to have acted with a recklessness of a person total consumed by his self interest. In the process, he not only staked the finances of the Government but also possibly the reputation of an overseas India office/Government of India. As for rules, Shri Lahiri violated the provisions of Rule 21 of General Financial Rules, 2005.

Thus, Shri Ronjon Lahiri, Assistant Director General acted in the manner contravening the provisions of Sub-rule 1 (i) (ii) & (iii) of the Rule 3 of the CSS (Conduct) Rules, 1964 thereby rendering himself liable for disciplinary action as deemed fit by the competent authority.

### Article-V

ITO Tronto under Shri Ronjon Lahiri for organizing activities in connection with the celebration of “ Year of India in Canada 2011” hastily made full payment of Rs.1.93 crore to the firm in complete violation of delegated financial powers and in absence of specific financial and budgetary approval of the competent authority. However, in order to appear within his delegated powers, Shri Lahiri fudged the exercise by making the payment, in advance, in twenty two different cheques, each with an amount responding to his delegated financial powers. The intention to circumvent, malafidely, the Competent Authority is patently manifest in its. The self seeking mission of Shri Lahiri would not have been complete without these acts of deliberate omission. As for the rules, Shri Lahiri violated the Rule 21 & 159 of GFR, 2005.

Thus, Shri Ronjon Lahiri, Assistant Director General acted in the manner contravening the provisions of Sub-rule 1 (i) (ii) & (iii) of the Rule 3 of CCS (Conduct) Rules, 1964 and the financial powers delegated vide Ministry of Tourism’s OM No.15-OM(22)/2008 dated 30.12.2008 deduced from Rule 13(2) of the Delegation of Financial Powers Rules, 1978 thereby rendering himself liable for disciplinary action as deemed fit by the competent authority.

### Article-VI

ITO Tronto under Shri Ronjon Lahiri had entered into contracts to the tune of Canadian Dollar 676200.99 with agencies namely (i) Astral Media Outdoor, 2, St-Clair Ave West, Suite 2000, Toronto, Ontario M4V 1L5, Canada (ii) Prime Outdoor, 27 Crescentwood Road, Toronto, Ontario M1N 1C9 (iii) Toronto Star Newspapers Limited, One Younge Street, Toronto, Canada M5E 1EB (iv) Clear Channel Outdoor, 20 Dundas West, Suite 1001, Box 11 Toronto, ON M5G 2C2 and (v) GES Global Experience Specialist, 950, Avenue St-Jean-Baptiste, Suite 100, Quebec, QC G2E 5E9 for the purposes of Outdoor Branding, setting up of Booth in Year of India Show at eight places and News Paper Advertisement. While signing the said contract, Shri Ronjon Lahiri exceeded the financial powers delegated to the Director, India Toursim, Toronto.

These acts of omission strongly suggest that Shri Lahiri had come up as a habitual offender of rules and with no respect for the system. As for the rules, Shri Lahiri violated the Rule 21 of GFR 2005.

Thus, Shri Ronjon Lahiri, Assistant Director General acted in the manner contravening the provisions of Sub-rule 1 (i) (ii) & (iii) of the Rule 3 of the CCS (Conduct) Rules, 1964 and the financial powers delegated vide Ministry of Tourism's OM No.15-OM(22)/2008 dated 30.12.2008 deduced from Rule 13(2) of the Delegation of Financial powers Rules, 1978 thereby rendering himself liable for disciplinary action as deemed fit by the competent authority.

### Article-VII

ITO Tronto under Shri Ronjon Lahiri has entered into contact amounting to \$55000 (inclusive of taxes) on 20<sup>th</sup> April, 2011 with one agency namely M/s GES Global Experience Specialist, 950, Avenue St-Jean-Baptiste, Suite 100, Quebec, QC G2E G2E 5E9 for setting up of booth during the Year of India in Canada event. The services rendered by the agency did/does not fall into the category of sole proprietary. Moreover, ten cheques (each Cheque amounting to \$4230.76) were issued by the officer at that point of time when funds were not available in the bank. The situation smacked on an intrigue as Shri Lahiri signed ten cheques just two days prior to his relinquishing the office on 08.6.2011. The desperation of Shri Lahiri to push

through the transaction is also evident from the fact that at that point of time there were no funds to sustain the payment of the cheques.

The seriousness and criminal intent in these acts of omission cannot be overemphasized. As for the rules, Shri Ronjon Lahiri violated the Rules 58 (2), 168 and 176 of General Financial Rules, 2005.

Thus, Shri Ronjon Lahiri, Assistant Director General acted in the manner contravening the provisions of Sub-rule 1 (i) (ii) & (iii) of the Rule 3 of the CCS (Conduct) Rules, 1964 thereby rendering himself liable for disciplinary action as deemed fit by the competent authority.”

2. Pursuant to the charge memorandum, enquiry was conducted and the enquiry officer (EO, in his report, dated 31.08.2015 has concluded as under :-

“7. Conclusion of IO:

After going through the PO brief, CO brief and other documents on record, I have come to conclude that :

- (i) Article of charges-I is held as : PROVED
- (ii) Article of charges-II is held as : PROVED
- (iii) Article of charges-III is held as : PROVED
- (iv) Article of charges-IV is held as:PARTLY PROVED
- (v) Article of charges-V is held as : PROVED
- (vi) Article of charges-VI is held as:PARTLY PROVED
- (vii) Article of charges-VII is held as : PROVED”

3. A copy of the EO's report was furnished to the applicant vide Annexure A-7 OM dated 19.10.2015. The applicant submitted representation to the EO's report vide Annexure A-8 letter dated 20.11.2015. He has been craving for concluding the DE proceedings early but the respondents have not showed any alacrity to do the same. The applicant has submitted Annexure

A-10 letter dated 21.11.2017 to the Director (Vigilance) Ministry of Tourism in this regard.

4. Aggrieved by prolonged delay in concluding the DE proceedings, the applicant has approached the Tribunal in the instant OA. The main prayer of the applicant is as under :-

(a) To call for the relevant records to ascertain the manner in which the case has been processed from the time of institution of charge sheet till this date and whether there be any reason to justify the inordinate delay of 22 months in the appointment of the IO, 12 months for the IO to furnish his report, when the inquiry had taken place only on two days and with nil RUDs and two prosecution witnesses only, and more than 33 months after the furnishing by the applicant of his representation against the inquiry proceedings. In the event of there being no justifiable reason for prolonging the proceedings, it be held that on the basis of the settled law, "delay defeats justice" the proceedings are liable to be dropped and thus declare that the proceedings have been dropped and consequential benefits, including consideration for promotion in the hierarchy or the direct recruitment for which UPSC has already recommended the applicant be granted to the applicant."

5. The applicant has also prayed for an alternative relief of issuance of a direction to the respondents to complete the DE proceedings in a time bound manner.

6. Heard Mr. Sudarshan Rajan, learned counsel applicant.

7. Issue notice. Mr. Ranjan Tyagi, learned counsel for respondents accepts notice on behalf of respondents .

8. It is not in dispute that DE proceedings against the applicant have got prolonged for no valid reasons. The applicant had extended his full cooperation in the DE proceedings.

Hon'ble Supreme court in ***Prem Nath Bali vs Reg., High Court Of Delhi & Anr. (Civil Appeal No. 958/10) decided on 16.12.2015*** has observed that DE proceedings should be completed as early as possible and preferably within six months. Similar view has been taken in several circulars of CVC as well. This Tribunal, **U. Das vs. Union of India & Ors.** (OA 288/15 with connected cases) decided on 08.05.2017, has also emphasized the necessity of timely completion of the DE proceedings.

9. Considering the nature of controversy involved and the relief claimed, we are inclined to grant the alternative relief 8 (b).

***Accordingly, we dispose of this OA with the direction to the respondents to conclude the DE proceedings, by way of passing a final order, within a period of three months from the receipt of this order, failing which the DE proceedings shall abate.***

Order“dasti”

**(S.N. Terdal)**  
**Member (J)**

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**(K.N. Shrivastava)**  
**Member (A)**