

**CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH**

OA 1003/2012

Reserved on 01.08.2018  
Pronounced on 03.08.2018

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

Sh.Mauji Ram,  
S/o Shri Sunda Ram,  
Telsildar, OSD-LM Vikas Sadan,  
DDA Office, D.D.A.,  
New Delhi aged about 59 years,  
R/o 122, DDA Flats, Jai Dev Park,  
East Punjabi Bagh,  
New Delhi-110026. ... Applicant

(By Advocate: Mr.Mayala Chand )

**VERSUS**

Delhi Development Authority,  
Through Vice Chairman,  
Vikas Sadan, INA, New Delhi. ... Respondent

(By Advocate : Mr.Manish Garg)

**ORDER**

**Mr.S.N. Terdal, Member (A):**

We have heard Shri Malaya Chand, counsel for applicant and Shri Manish Garg, counsel for respondent, perused the pleadings and all the documents produced by both the parties.

2. In the OA, the applicant has prayed for the following reliefs:

- "A) To quash and set aside the Impugned Memo (Annexure-A/1) and subsequent Inquiry Proceedings/Findings of Inquiry Officer (Annexure-A/2), in the interest of justice.
- B) To quash and set aside the orders of Disciplinary Authority (Annexure-A/3) and Appellate Authority (Annexure-A/4).
- C) Such other/further order this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case be also passed in favour of the petitioner and against the respondents, in the interest of justice."

3. The relevant facts of the case are that a departmental proceeding was initiated against the applicant under Regulation 25 of DDA (Conduct, Disciplinary & Appeal) Regulations, 1999 on the following article of charges.

- “(i) Sh.Mauji Ram while working as Tehsildar in LM (Co-ordn.) in the year 2000-01 carried out demarcation in Village Khichripur under his leadership which was found wrong and against the interest of DDA. This was in relation to suit No.512/92 titled Ram Chander Vs DDA and subsequently in MCA No.61/2001.
- (ii) He carried out demarcation in suit No.104/97 titled as Pratap Singh and others Vs DDA without any order of Competent Authority.
- (iii) He did not take any action in a Supreme Court case file bearing No.F.14(30)04/HC/Legal titled Baliram Vs DDA and embarrassed the authorities.
- (iv) He also received nearly 204 letters during the year Jan. 04 to August, 04. But no action has been taken by him.

By his above act Sh. Mauji Ram, Tehsildar exhibited lack of absolute devotion to duty, lack of absolute integrity and acted in a manner unbecoming of a Government Servant thereby contravened Regulation 4 1(i)(ii) and (iii) of DDA Conduct, Disciplinary and Appeals Regulations 1999 applicable to the employees of the Authority.”

As per the Rules along with article of charges, statement of imputation of misconduct in support of the charges, list of documents and list of witnesses were furnished to the applicant. The Enquiry Officer following the relevant procedural rules conducted the departmental proceedings and recorded the statement of witnesses and analyzing the evidence before him held that charge no. (i) and (ii) are proved and charge no. (iii) and (iv) are not proved. The copy of the Enquiry report was furnished to the applicant, he was given an opportunity and he had filed representation against the enquiry report. Considering the entire evidence and the enquiry report and representation of the

applicant, the disciplinary authority vide order dated 06.09.2011 imposed a penalty of reduction of pay by two stages for two years on the applicant without cumulative effect. Thereafter, the appeal of the applicant was also dismissed by the appellate authority by passing a speaking and reasoned order vide order dated 30.01.2012.

4. The counsel for the applicant vehemently and strenuously contended that even in so far as charge no. (i) and (ii) are concerned, there is no evidence and that even by reading the statement of imputation furnished by the respondents in support of the charges, according to him, do not substantiate the charges. But, however, on a close scrutiny, it is clear that the said statement of imputation does not support the case of the applicant. In the conduct of the departmental enquiry, there is no violation of either principles of natural justice or any of the procedural provisions. All along in the entire disciplinary proceedings be it at the stage of enquiry proceedings, consideration before the disciplinary authority and the appellate authority, reasonable opportunity was provided to the applicant. The Enquiry Officer on the basis of the evidence recorded in the enquiry proceedings, came to the conclusion that the charge no. (i) and (ii) are proved. In the circumstances, the contentions of the counsel for the applicant are not substantiated. Counsel for the applicant has relied upon the judgment dated 14.11.2017 passed in the Court of JSCC-ASCJ-GJ, East District, Karkardooma Courts, Delhi in Civil Suit No. 7531/16 in support of his contention that the charge no.(i) and (ii) are not proved. But, however, the said judgment is based on the facts available in the said case. As such, it cannot be relied upon. Counsel for the applicant further relied upon the law laid

down by the Hon'ble Supreme Court in the case of **Union of India and Others Vs. Prakash Kumar Tandon**, reported in (2009) 2 SCC 541). The said judgment is on the issue of bias. The question of bias does not arise in this case. Counsel for the applicant has also relied upon the judgment of Hon'ble Supreme Court in the case of **Union of India and Others Vs. K.K.Dhawan** (Civil Appeal Nos.226-227 of 1993), reported in (1993) 24 ATC 1) to support his contention that the applicant had acted as a quasi-judicial officer during the time of alleged lapses. However, from a close examination of the facts of the case, it is clear that the applicant during the relevant period of time was not acting in a quasi-judicial capacity. Counsel for the applicant further relied upon the judgment of Hon'ble High Court in the case of **Union of India & Ors Vs. Gyan Dev Prasad** ( W.P ( C ) 702/2015) in support of his submission that there was at the most negligence or inefficiency in performing the function which cannot be construed as a misconduct. However, from a close scrutiny of the facts and circumstances of the case, it is evident that it was not a case of negligence or inefficiency. It is clear that the demarcation of land has been done by the applicant without any order of the competent authority and the demarcated land belonged to DDA but shown as private land. As such, it is a simple case of misconduct. The contentions of the counsel for the applicant are found devoid of merit.

5. In the circumstances, OA is dismissed. No order as to costs.

( S.N.Terdal)  
Member (J)

(K.N.Shrivastava )  
Member (A)

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