

**Central Administrative Tribunal
Principal Bench**

OA No.2536/2013

New Delhi, this the 23rd day of January, 2019

**Hon'ble Sh. Justice L. Narasimha Reddy, Chairman
Hon'ble Sh. Mohd. Jamshed, Member (A)**

Mrs. Vinod Rani
W/o Late Sh. Balveer Singh Chauhan
R/o Flat No.27B, Pocket E
Dilshad Garden, Delhi-110095. ... Applicant

(By Advocate: Shri Piyush Sharma)

Vs.

Delhi Development Authority
(through Vice Chairman)
Vikas Sadan, New Delhi-110023. ...Respondents

(By Advocate: Shri Manish Garg)

ORDER (ORAL)

Justice L. Narasimha Reddy:-

Balveer Singh Chauhan, who is no more, and is represented by his wife, was working as a Clerk in the Delhi Development Authority. He was issued a charge memo dated 06.12.2007, wherein it was alleged that while working in MIG(Housing) during the year 2004, he failed to put up a letter dated 29.09.2004, received from one Shri Jatinder Singh, the allottee of flat no. 234, Sec. 23, Pkt. 7, Rohini, Delhi, and the same

resulted in financial loss to the department. He denied the charge by filing reply. It is stated that the file was not circulated to him at all. After conducting departmental inquiry, the Disciplinary Authority passed an order dated 12.07.2012 imposing the punishment of reduction in the pay scale by two stages with cumulative effect for a period of two years and directing that during the currency of penalty, he will not earn increments and that after the expiry of period of such reduction, the punishment shall have effect of postponing his future increments of pay. The appeal preferred against the order of punishment was rejected. Hence, this OA.

2. The applicant contends that the very charge was without any basis in as much as the file was not circulated to her husband at all and at any rate the punishment is totally disproportionate.

3. The respondents filed counter affidavit opposing the OA. It is stated that on account of the lapse on the part of Mr. Chauhan, they sustained huge financial loss and the punishment was imposed commensurate with the nature of the charge.

4. We heard Shri Piyush Sharma, learned counsel for the applicant and Shri Manish Garg, learned counsel for the respondents.

5. The allegation made against the deceased employee reads as under:-

“Sh. B.S. Chauhan, LDC while working in MIG Housing during the year 2004 failed to put up the letter dated 29.9.04 received from Sh. Jatinder Singh, the allottee of flat No.234, Sector 23, Pocket 7, Rohini, Delhi resulting in delay in issue of demand letter and thereby, causing considerable financial loss to the Department.”

6. The gist thereof is that the letter submitted by the allottee was traced nearly three years thereafter and on account of that, the consideration, which was at Rs.18,69,000/- had to be received only at Rs.10,65,300/-. The record discloses that the inquiry officer himself was of the view that the lapse, if at all, on the part of Mr. Chauhan was very minor and a lenient view deserves to be taken. The punishment imposed against him is a major one. It has the effect of not only reduction of pay scale, but also denying the benefit of increments forever .

7. Things should have been different had the disciplinary authority taken a view, different from that

of the inquiry officer. Once he agreed with the findings recorded therein, he ought to have imposed a punishment, which is commensurate with the minor lapse on the part of the employee.

8. We are of the view that interest of justice would be met if punishment is modified to the one of reduction of pay scale by two stages for a period of two years without cumulative effect.

9. Accordingly, we partly allow the OA and modify the punishment to the one of reduction of pay scale by two stages for a period of two years without cumulative effect. It is also directed that on completion of the period of punishment, the increments would get restored. Since the original applicant died and his wife is being paid family pension, the respondents shall re-determine the pension payable to her on the basis of the direction issued above within a period of two months from the date of receipt of a copy of this Order.

10. There shall be no order as to costs.

(Mohd. Jamshed)
Member(A)

(Justice L. Narasimha Reddy)
Chairman

/vb/