

**Central Administrative Tribunal
Principal Bench**

OA No.3437/2015

New Delhi, this the 25th day of January, 2019

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

R.S. Bhatia,
Retd. Superintending Engineer,
Aged about 61 years,
S/o Late Shri D.S. Bhatia,
R/o B-86, Chetak Apartment,
Sec-9, Rohini, Delhi-110085.

...Applicant

(By Advocate : M.K. Bhardwaj)

Versus

Delhi Development Authority & Anr. Through

1. Delhi Development Authority,
Through its Chairman, Raj Niwas,
New Delhi.
2. The Vice Chairman, DDA,
Vikas Sadan, INA, New Delhi.

...Respondents

(By Advocate : Shri Arun Birbalk. Jain)

ORDER (ORAL)

Justice L. Narasimha Reddy, Chairman :-

The applicant was working as Executive Engineer in the Delhi Development Authority (for short, DDA), in the year 2011. He was assigned the task of preparation of estimates for works in the context of Common Wealth

Games. A Memorandum was issued to him on 21.09.2011, requiring him to explain as to why proceedings be not initiated against him. It was alleged that though he received an e-mail from an agency, by name M/s ASB, he did not take it into account while submitting the estimates and that there was a boosting of the estimates.

2. The applicant submitted his explanation, and a preliminary enquiry was conducted. That was followed by a charge sheet on 22.08.2013. The applicant denied the charges framed against him. An enquiry officer was appointed who, in turn, submitted his report on 20.10.2014, holding that the charge against the applicant is proved. In the meanwhile, the applicant retired from service on attaining the age of superannuation. The disciplinary authority passed an order dated 27.05.2015, imposing the penalty of 10% cut in pension for three years. The appeal preferred by the applicant was rejected on 15.07.2015, as not maintainable. This OA is filed challenging the order of punishment as well as the rejection of appeal.

3. The applicant contends that the estimates were prepared by him on the basis of materials that were available to him and on finding that the estimates were not to his satisfaction, the competent authority did not approve the same at all. He contends that when neither the estimates were approved nor the work was assigned, the question of the department incurring any loss, does not arise.

4. The respondents filed counter affidavit opposing the OA. It is submitted that the applicant was under obligation to prepare the estimates properly and in the enquiry, it was found that he omitted some important aspects from consideration, in this behalf.

5. We heard Shri M.K. Bhardwaj, learned counsel for applicant and Shri Arun Birbal, learned counsel for respondents.

6. The allegation against the applicant is that he failed to take into account, an e-mail sent to him, when he prepared the estimates for work. The record discloses that the estimates submitted by the applicant were not accepted at all. Though the applicant made an effort to

plead that he did not receive any material at all, ultimately, it emerges that he received the same.

7. Be that as it may, the entire controversy is in the realm of imagination and speculation. No loss as such, was incurred by the DDA on account of alleged lapse on the part of the applicant. At the same time, he was required to be careful since the higher authorities were dependent upon his work. We are of the view that punishment can be reduced to the one of 10% cut in pension, for a period of one year.

8. Hence, we partly allow the OA and direct that the punishment imposed against the applicant shall be, the one of 10% cut in pension for a period of one year. The amount deducted from the applicant so far, for any period exceeding one year shall be paid to him, within a period of two months from the date of receipt of a certified copy of this order.

There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)
'rk'

(Justice L.Narasimha Reddy)
Chairman