

**Central Administrative Tribunal  
Principal Bench**

**OA No.3211/2015**

New Delhi, this the 4<sup>th</sup> day of April, 2019

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

Sh. Yash Pal Saluja  
Aged about 62 years,  
S/o Sh. Suraj Prakash Saluja,  
R/o House No. 1995, Sector-23,  
Gurgaon-122007. ... Applicant

(By Advocate : Shri S.N. Sharma)

Versus

Secretary,  
Department of Information Technology  
Electronic Niketan, 6, CGO Complex,  
Lodhi Road, New Delhi-110003. ... Respondent

(By Advocate : Shri Duli Chand )

**ORDER (ORAL)**

**Justice L. Narasimha Reddy, Chairman :-**

The applicant joined the service of the respondents' organisation as LDC in the year 1975. He earned many promotions over the period. A charge memo was served upon him on 05.11.2013, alleging that on account of the negligence exhibited by him, in the context of shifting of 424 nos. of batteries out of the NIC premises, more than 200 batteries were stolen and even after the factum of left

of batteries was brought to his notice, he did not exhibit due diligence and two more thefts of batteries have taken place, resulting in loss of Rs.16.32 lakhs to the department. The applicant submitted his explanation, denying the charges. Not satisfied with that, the Disciplinary Authority appointed the Inquiry Officer. Through his report, the Inquiry Officer held that articles I,II,&III are not proved, but article IV is partly proved. The Disciplinary Authority accepted the report and forwarded a copy of the same to the applicant for his comments. On consideration of the representation submitted by the applicant, the Disciplinary Authority passed orders dated 03.12.2013, imposing the penalty of reduction of Rs.50,000/- from the retirement benefits of the applicant. The review petition filed by the applicant was rejected on 02.01.2015. The order of punishment, as upheld by the Disciplinary Authority is challenged in this OA.

2. The applicant contends that it is not part of his duty to undertake security arrangements and the very framing of charges were untenable. It is submitted that though the charges were held not proved substantially, the punishment was imposed.

3. The respondents filed counter affidavit opposing the OA. It is stated that a clear dereliction of duty on the part of the applicant was noticed, inasmuch as article 4 of the charges was held as proved. It is stated that the Disciplinary Authority imposed the punishment, keeping in view, the gravity of the charges held.

4. We heard Shri S.N. Sharma, learned counsel for applicant and Shri Duli Chand, learned counsel for respondents.

5. As many as four articles of charges were framed against the applicant. The same read as under :-

“Article-I

That Shri Yash Pal Saluja while functioning as Deputy Director (Security) in the National Informatics Centre, New Delhi did not follow security procedures while shifting the 424 nos. of batteries out of the NIC premises during May, 2008 without any written permission or security procedures such as issue of gate pass, checking the written orders from the competent authority for shifting the said batteries outside the NIC building, making entry in the concerned register etc. Shri Yash Pal Saluja also did not ensure safety of the said batteries which were NIC property and kept in two of the transformer rooms of CPWD outside the premises of NIC Building.

Thus the said Shri Yash Pal Saluja has shown lack of devotion to duty and has acted in a manner unbecoming of a government servant thereby violating Rule 3(1)(ii) and 3(1)(iii) of the CCS(Conduct) Rules, 1964.

#### Article-II

That Shri Yash Pal Saluja while functioning as Deputy Director (Security) in the National Informatics Centre, New Delhi failed to report the matter to his higher authorities regarding the shifting of 424 Nos. of batteries to CPWD premises without following proper procedure such as issue of gate pass or prior written approval of the competent authority.

Thus the said Shri Yash Pal Saluja has shown lack of devotion to duty and has acted in a manner unbecoming of a government servant thereby violating Rule 3(1)(II) and 3(1)(iii) of the CCS (Conduct) Rules, 1964.

#### Article-III

That Shri Yash Pal Saluja while functioning as Deputy Director (Security) in the National Informatics Centre, New Delhi failed to lodge a FIR immediately after learning about the theft of batteries on 19.12.2008.

Thus the said Shri Yash Pal Saluja has shown lack of devotion to duty and has acted in a manner unbecoming of a government servant thereby violating Rule 3(1)(ii) and 3(1)(iii) of the CCS (Conduct) Rules, 1964.

#### Article-IV

That Shri Yash Pal Saluja while functioning as Deputy Director (Security) in the National Informatics Centre, New Delhi

failed to ensure safety of the remaining batteries even after the theft was detected on 19.12.2008 as a result of which, the said batteries were stolen from the CPWD transformer rooms on two more occasions, i.e., 22.12.2008, 3<sup>rd</sup> / 4<sup>th</sup> January, 2009.”

6. The allegation is that he has shown lack of devotion to duty and has acted in a manner unbecoming of a government servant thereby violating Rule 3(1)(ii) and 3(1)(iii) of the CCS (Conduct) Rules, 1964.

7. In his report, the Inquiry Officer held the articles No.I,II&III as not proved, and article No.IV, as partly proved.

8. The allegation contained in article No.IV is that in spite of the fact that theft of more than 200 batteries were stolen, the applicant did not exhibit due diligence and two more thefts have taken place. Assuming that the applicant was not the officer entrusted with security arrangements, as an employee of the organisation, he was required to exhibit an amount of care and caution to protect the property. The repeated thefts of valuable items disclose the lack of proper care and caution. The Disciplinary Authority has taken the report of the Inquiry Officer on its face value and imposed the punishment of

reduction of sum of Rs.50,000/- from the retirement benefits of the applicant. By any standard, it cannot be treated to be on a higher side.

9. We are not inclined to interfere with the order of Disciplinary Authority. Accordingly, the OA is dismissed.

There shall be no order as to costs.

**(Mohd. Jamshed)**  
**Member (A)**

**(Justice L. Narasimha Reddy)**  
**Chairman**

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