



**Central Administrative Tribunal
Principal Bench**

OA No.3993/2014

New Delhi, this the 5th day of December, 2019

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

R.S. Sehrawat, JE (Civil)
Aged about 54 years,
S/o late Sh. HS Sehrawat,
R/o H.No.42, Sector 10, Dwarka,
New Delhi

- Applicant

(By Advocate: Mr. MK Bhardwaj)

Vs.

SDMC & Ors. through

1. The Commissioner,
SDMC, Civic Centre,
New Delhi
2. The Additional Commissioner (Engg.)
SDMC, Civic Centre,
New Delhi
3. Chief Vigilance Officer,
SDMC, Civic Centre,
New Delhi

- Respondents

(By Advocate: Mr. RK Jain)

: O R D E R (ORAL) :

Justice L. Narasimha Reddy:

The applicant is working as Junior Engineer in the Municipal Corporation of Delhi. He was issued a charge



memo dated 17.02.2010, alleging that he failed to intimate the department about the various transactions he has entered into, in respect of movable and immovable properties. This OA is filed, challenging the said charge memo.

2. The applicant contends that the transaction took place long ago and the charge-sheet was issued much later. Another ground alleged by the applicant is that the Assistant Law Officer (Vigilance) (ALO) passed an Office Order dated 07.05.2004, stating that the competent authority has passed an order dated 16.04.2004 exonerating the applicant from the charges.

3. The applicant contends that once the competent authority has exonerated him from the charges, there was no basis to continue the disciplinary proceedings.

4. The respondents filed the counter affidavit, stating that the Assistant Law officer, by name R.K. Chauhan, was in the habit of issuing such orders for obvious reasons. It is also stated that the department proceedings were initiated against him and he was removed from service.



5. We heard Mr. M.K. Bhardwaj, learned counsel for the applicant and Mr. RK Jain, learned counsel for the respondents.

6. It is rather unfortunate that the Corporation has on its rolls, law officers who have virtually sold orders. The departmental proceedings were initiated against the applicant and in case the Disciplinary Authority has passed the final order, either exonerating the employee of the charges or imposing penalty, the concerned order is invariably conveyed to the employee. It is just understandable as to how the Assistant Law Officer comes into play. The obvious reason is that a situation is created for circumventing the disciplinary proceedings by issuing fake order.

7. The plea raised by the applicant about the delay is totally untenable. The reason is that the applicant is said to have failed to intimate the respondents about transactions. If the transaction has taken place in the year 1991 and the applicant failed to intimate the same, the fault is with the applicant and not about issuance of the charge-sheet, maybe at the belated stage. The other ground about the exoneration is found to be based on a fake document.

8. We do not find any basis to interfere with the charge memo. The OA is accordingly dismissed. There shall be no order as to costs.



(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

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