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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 3233/2017

LALITA KUMAR, SDG Petitioner
Through Mr. Rakesh Kumar Singh, Advocate

versus

CENTRAL RESERVE POLICE FORCE (CRPF) & ORS.

..... Respondents

Through Mr. Gaurang Kanth, CGSC

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MR. JUSTICE ANIL KUMAR CHAWLA

ORDER

% **17.04.2017**

The petitioner-Lalita Kumar in this writ petition has impugned the Court of Enquiry dated 31.8.2016, and the report of Court of Enquiry dated 20.9.2016 as incomplete, discriminatory, unfair, unjust and bad in the eyes of law. The petitioner has also impugned office order dated 6.12.2016, initiation and continuation of Joint Disciplinary Enquiry in terms thereof, as per the memorandum of charges dated 17.1.2017.

We do not deem it appropriate to delve into the merits of the allegations in the memorandum of charges, as the petitioner has sought to submit and urge.

It is an accepted and admitted case that 84 medical reimbursement claim files were lost/went missing and during the relevant period 2013-14, the petitioner was working as Accounts Officer in Accounts –III (SDG).

The Court of Enquiry Report dated 20.09.2019 had observes:

“Recommendation/opinion of the Court of Enquiry

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Force number 0585080179ASI (Mantra) Lalita Kumari of SDG CRPF New Delhi who is complying with her duties of accounts- Two of SDG since 2013 till date, after sending of 84 medical reimbursement claims lost of ADJ which is sent by her for the purpose of initiating the payment proceedings by the group centre New Delhi, the proper monitoring of the same was to be done. She failed to do the same. Most of the medical reimbursement claims which were lost were sent to group centre New Delhi during the course of year 2013 and 2014. Accordingly aforesaid personnel were issued the reminder on regular intervals and the actual stage of things of medical reimbursement claims were to be seen but she failed to do the same because of which disposal of 84 medical compensation claims could not be possible and were lost. Whereas force number 851550111 ex-subedar major (Mantra) Rekha Rawat (who retired on superannuation on 31.05.2016) was complying with the duties of subedar major (Manthra) of SDG New Delhi from the year 2013 till 2015. Keeping the eye as one in charge accordingly on the medical compensation claims sent to group centre New Delhi by SDG it was the duty of the aforesaid personnel that they on sending the reminder letter from time to time through accounts- two of SDG for the purpose of speedy disposal on these pending medical reimbursement claims would have made request to group centre New Delhi for speedy

proceedings but she failed to do the same and resultantly the payment of the medical reimbursement claims presented by the personnel of ADJ is not done in time and the same were lost. During the course of court of enquiry procedure it is found that no charge report/brief note is given during the course of transfer and earned leave of the inspector (Mantra) working on the charge of salary section – two of group centre CRPF New Delhi meaning thereby no give and take of any charge is done. Even the fortnight pending diary concerning the correspondence pending from more than 15 days received in the section is not maintained because of which no proper information was received with regard to the letters pending with the administrative officer/account officer or Office Chairman. Therefore there is need to remove aforesaid defects immediately.

xxxx”

The Presiding Officer thereafter passed the following order in the report dated 20.09.2016 :

“xxxx

3. In SDG CRPF New Delhi the force number 085080179 ASI (Manthra) Lalita Kumari who is posted since the year 2013 till date is complying with her duties of accounts – Two of SDG. 84 medical reimbursement claims were sent through aforesaid personnel to Group Centre New Delhi. This was the duty of the aforesaid personnel that when with regard to the payment/disposal of these medical reimbursement claims they were not receiving any information then they on issuing of reminder letter to Group Centre New Delhi from time to time would have kept proper monitoring on these claims pending. If aforesaid personnel would have tried to know about actual state of things of these medical reimbursement claims pending on issuing of reminder and would be little bit attentive towards her duties then these medical reimbursement claims could be saved from being lost. But she failed to do the same because of which 84 medical compensation claims could not be disposed of and is lost. In this manner aforesaid personnel is also negligent

towards her duty. Therefore commandant – SDG on issuing the warning letter the aforesaid personnel at his level gave her advice to remain conscious towards her duty. Apart from that force number 851550111 Ex-Subedar Major (Manthra) Rekha Rawat (who retired since 31.05.16 on superannuation) was from the year 2013 till 2015 this Subedar Major (Manthara) Rekha Rawat of SDG New Delhi is negligent towards her duty because on keeping the eye on the cases of such kind as one in charge the reminder letter was issued from time to time for initiating speedy proceedings to group centre New Delhi for disposal of medical reimbursement claims pending at earliest and for that the reminder letter was to be issued to the concerned dealing assistant and the directions would be given in which she failed and resultantly the payment of the present medical compensation claims could not be done through the personnel of ADJ and it is lost. Aforesaid personnel went on voluntary retirement from service.”

The respondents have issued the memorandum of charge dated 17.1.2017 on the basis of observations in the Court of Enquiry report dated 20.9.2016. The merits of the allegation and assertion have to be examined and gone into during the course of the disciplinary inquiry proceedings.

Learned counsel for the petitioner during arguments had strenuously contended that the petitioner had no role to play in the loss of Medical Reimbursement claim files, once she had sent the files to the Group Centre. As per the authorities however, the petitioner should have pursued and followed through with the matter on regular

intervals and ascertained the actual status of medical reimbursement claims. This was a part of her duty. The petitioner disputes the said submission and contention. The petitioner also submits that some other officers, five from Group Centre and four from SDG (Special Duty Group) have been shown leniency and no charge/memorandum has been issued against them. These are all matters which the petitioner can raise in her defence during the disciplinary proceedings, as these relate to appreciation of evidence and material. The Disciplinary Authority would have to consider and decide these disputes and contentions. We would not enter into verification of details and assessment of evidence.

With the aforesaid observations, we refrain from entertaining the present writ petition at this stage, leaving all issues and contentions to be raised by the petitioner before the authorities, in accordance with law. We clarify having not expressed any opinion on merits.

SANJIV KHANNA, J

ANIL KUMAR CHAWLA, J

APRIL 17, 2017

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