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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 6111/2018 & CM APPL. 23722/2018**
RAJIV AGARWAL Petitioner

Through: Mr. Alok Tripathi, Adv
versus

UNION OF INDIA & ORS Respondents

Through: Mr. Jasmeet Singh, CGSC with Mr.
Gaurav Rohilla, Adv for Respondent
No. 1 and 2
Mr. Kunal Sharma with Mr.
Shubhendu Bhattacharya, Advs for
Respondent No.3

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

% **30.05.2018**

CM APPL. 23723/2018 (exemption)

2. Allowed, subject to just exceptions.

W.P.(C) 6111/2018 & CM APPL. 23722/2018

2. This petition has been filed by an employee of respondent no. 3. The petitioner, concededly, has been dismissed from service after charges framed against him were duly inquired.

3. The dismissal order is appended at page 142 of the paper book, which is, dated 17.04.2018.

4. There were two articles of charges framed against the petitioner. Resultantly, an enquiry was conducted, in which, Article I was proved and, in respect of Article II benefit of doubt was given to the petitioner. Consequent thereto, as to alluded to above, the petitioner was dismissed from service by respondent no.3.

5. The charge contained in Article I reads as follows:-

“Sh. Rajiv Agarwal, while working as AGM, CEL, Ghaziabad during the period 2010-11 being the indenter falsely certified receipt of following items on Site Store Receipt Voucher cum, Issue Requisition (SSRV) No.CEL/FR/PSD/16(01) showing date on 7th Oct, 2010 after scoring out earlier mentioned date i.e. 31st March 2019 in collusion with GM (ECD) /Project In Charge:-

<i>Item No.</i>	<i>Description</i>	<i>Invoice Value (USD)</i>
<i>1.</i>	<i>Forensics Inspection system</i>	<i>1,45,916</i>
<i>2.</i>	<i>High Volume Portal</i>	<i>2,82,150</i>
<i>3.</i>	<i>Mounting Hardware for Detectors</i>	<i>15,000</i>
<i>4.</i>	<i>Integration of Hardware</i>	<i>20,000</i>
<i>5.</i>	<i>HVP Structure Fabrication</i>	<i>88,000</i>
<i>6.</i>	<i>HVP Environmental Control System</i>	<i>25,000</i>
<i>7.</i>	<i>Hardware for HVP Support Structure</i>	<i>22,500</i>
<i>8.</i>	<i>MmW Detection</i>	<i>1,500</i>
<i>9.</i>	<i>Metal & Gamma Functionally</i>	<i>1,500</i>
	<i>Total</i>	<i>6,01,568</i>

Thus, Sh. Rajiv Agarwal caused undue financial gain of \$541,411.20 (90% of the aforesaid total Value) to M/s. KTC LLC, USA against their invoices No.KTCHBE016/2010-004 dated 30.09.2010 and corresponding financial loss to CEL Ghaziabad.”

6. The petitioner, admittedly has preferred a statutory appeal against the order of dismissal, which I am told by counsel for respondents is pending adjudication.
7. In this petition, several assertions have been made by the petitioner including the fact that the subject project is not functional as envisaged and that he has been made the scapegoat.
8. At this juncture, it is difficult to know as to whether these are allegations which are triggered by only disgruntlement, or that, they have any basis.
9. In these circumstances, the writ petition is disposed of with direction to Chief Vigilance Officer of respondent no. 3 to examine the assertions made in the writ petition and, if any, merit is found in the same to take action in accordance with law.

RAJIV SHAKDHER, J

MAY 30, 2018

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