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

+ W.P.(C) 3885/2019

GOVT. OF NCT OF DELHI AND ORS..... Petitioner

Through: Mrs. Avnish Ahlawat, St. Counsel,
GNCTD (Services) with Mr. N.K.
Singh and Ms. Ankita Ahuja, Advs.

versus

HC (MIN.) SHISHU PAL Respondent

Through: Mr. Sachin Chauhan, Adv.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

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15.04.2019

C.M. No. 17608/2019

Exemption allowed, subject to all just exceptions. The application stands disposed of.

W.P.(C) 3885/2019 & C.M. No. 17607/2019

Issue notice. Mr. Chauhan accepts notice on behalf of the respondent. We have heard learned counsels.

The GNCTD has preferred the present writ petition to assail the order dated 04.10.2018 passed by the Central Administrative Tribunal, Principal Bench, New Delhi, (the Tribunal) in O.A. No. 432/2013. The respondent applicant had assailed the disciplinary action taken against him in the said Original Application. The Tribunal has found no error in the disciplinary

proceedings and has not accepted the challenge mounted by the respondent to the disciplinary proceedings. The Tribunal has held that the procedural rules and principles of natural justice have been followed in the present case. However, on the aspect of proportionality of punishment, the Tribunal has held that the punishment was disproportionate to the charge levelled against the respondent. In substance the charge against the respondent was that despite reminders, he had failed to maintain certain stock registers and distribution registers. He was found guilty of the said misconduct. The punishment imposed upon the respondent was forfeiture of four years approved service permanently. The Tribunal has reduced the said punishment, on account of it being disproportionate to forfeiture of two years approved service permanently.

Ms. Ahlawat submits that there is no basis for reduction of the punishment imposed upon the respondent. On the other hand, Mr. Chauhan submits that the said reduction was justified. He also submits that, in case, the punishment is not increased beyond the forfeiture of two years of approved service permanently, the respondent is agreeable to accept the impugned order passed by the Tribunal and that the respondent would not assail the same.

Having heard learned counsels, we are not inclined to interfere with the impugned order, particularly, when the respondent has also accepted the same. Considering the nature of the misconduct alleged against the respondent and which has been proved in the enquiry, in our view, forfeiture of two years of service permanently was more than sufficient to send a requisite message to the respondent as well as others in the organisation. The misconduct, by itself, does not reflect upon moral turpitude of the

respondent, the same relates to his insufficiency and negligence in the performance of his duties and infliction of the modified penalty would be sufficient to send the requisite message to the respondent.

We are, therefore, not inclined to interfere with the impugned order.

The petition stands disposed of in the aforesaid terms.

VIPIN SANGHI, J

REKHA PALLI, J

APRIL 15, 2019

N.Khanna