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

+ **W.P.(C) 8765/2023 AND CM APPLs. 33134-35/2023**

**DELHI TRANSPORT CORPORATION & ANR....Petitioners**

Through: Ms. Laavanya Kaushik, Adv.  
for Mrs. Avnish Ahlawat, Standing Counsel  
for DTC.

versus

**DULI CHAND**

.....Respondent

Through:

**CORAM:**

**HON'BLE MR. JUSTICE C. HARI SHANKAR**

**HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA**

**JUDGMENT (ORAL)**

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**18.12.2024**

**C. HARI SHANKAR, J.**

1. This writ petition is directed against the order dated 2 March 2023 passed by the Central Administrative Tribunal<sup>1</sup> in OA 3280/2016.

2. The respondent, as the applicant before the Tribunal, had challenged the order dated 21 July 2015 by which the Disciplinary Authority<sup>2</sup> had imposed on him, the punishment of stoppage of the next due one increment without cumulative effect. The statutory appeal, preferred against the said decision of the DA, was also dismissed by the Appellate Authority on 15 October 2015.

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<sup>1</sup> "the Tribunal" hereinafter

<sup>2</sup> DA



3. Aggrieved thereby, the respondent approached the Tribunal.
4. We may eschew entering into the details of the charges against the respondent as, in our view, it is not necessary to do so, to decide the present petition.
5. In para 6 of the impugned judgment, the Tribunal has noted that the Inquiry Officer<sup>3</sup> had submitted its report on 17 July 2014. The IO, in the said report, returned the finding that the charges levelled against the respondent stood proved. The Tribunal has also noted that there was no material before it to indicate when the copy of the said report was provided to the respondent, as required by the judgment of the Supreme Court in *UOI v Mohd Ramzan Khan*<sup>4</sup>.
6. The Tribunal has further noted that, after the inquiry report was submitted by the IO, a show cause notice was issued by the DA on 3 July 2015, by which the DA communicated his provisional view that, on the basis of the findings in the inquiry report, the respondent deserved to be imposed a penalty of stoppage of one increment without cumulative effect. The respondent was directed to file a reply to the said communication.
7. The respondent filed his reply, following which the punishment of stoppage of one increment without cumulative effect was imposed by the DA by order dated 21 July 2015 and the appeal against the said decision was dismissed by the Appellate Authority on 15 October 2015. We deem it appropriate to reproduce, *in extenso*, the show cause notice dated

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<sup>3</sup> "IO" hereinafter  
<sup>4</sup> (1991) 1 SCC 588



3 July 2015, the order dated 21 July 2015, issued by the DA and order dated 15 October 2015 issued by the Appellate Authority:

Show Cause Notice/Memorandum dated 3 July 2015

**“DELHI TRANSPORT CORPORATION  
(A GOVT. OF NCT OF DELHI)  
MILLENNIUM DEPOT-II, NEW DELHI**

**NO. MD-IV/AI(T)/CS-65/15/3598**

**Dated 3/7/15**

**MEMORANDUM**

After going through the lease initiated vide Summary Trial/Charge Sheet No.....dated....and the proceeding of the enquiry the undersigned is provisionally of the opinion that the following penalty be imposed upon Sh. Duli Chand Design...Cond..... B.No.23009

“Stoppage of his next due one increment without cumulative effect”.

Before I take this action I desire to give Sh. Duli Chand in accordance with the provision of the Section 95(2) of the D.M.C Act, 1957 read with Section 4(a) of the Delhi Transport Laws (Amendment) Act, 1971 an opportunity of the showing cause against the action proposed to be taken against him. Any representation which Sh. Duli Chand may make in this connection. Will be taken into consideration before the final orders are passed. Such representation, if any be forwarded in writing to this office within 72 hours of the receipt of this memo failing which it will be assumed that Sh. ..Duli Chand has no representation to make and final orders in the case will be passed.

Encl.

**Depot Manager”**

Punishment Order dated 21 July 2015

**“DELHI TRANSPORT CORPORATION  
MILLENNIUM PARK DEPOT-I, N.DELHI**

**No. MD-II/AI(T)/2015/3894**

**Dated 21/7/15**

The reply submitted by Sh. Duli Chand, Conductor, B. No. 23009 in response to Show Cause notice issued to him vide No. MDII/AI(T)/CS/ST-65/15 dated 3-7-15 thoroughly examined by the undersigned but found not convincing. Hence, the proposed



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punishment in the SCN is hereby confirmed as under:-

“Stoppage of his next due one increment without cumulative effect”

Sd/-  
DEPOT MANAGER

Person Concerned  
Thr: T.I. (Sch)”

Appellate Order dated 15 October 2015

“DELHI TRANSPORT CORPORATION  
MILLENNIUM DEPOT-1

No. MD-I/AT(T)/COND/2015/966

Dated 15/10/2015

The representation of Shri Duli Chand Conductor, Badge no. 23009, Token no. 50891 was received in this office vide diary no. M.D.-1/2130 dated 03/09/2015.

In this reference it is stated that on 07/10/2015, the Regional Manager (South) instructed for personal hearing.

The competent authority after considering the entire case and carefully have gone through the entire record and thereafter your appeal has been rejected.

Sd/- 15/10/2015(Illegible)  
Depot Manager  
DTC  
Millennium Depot-1  
NEW DELHI”

8. The Tribunal has found that the aforesaid orders are completely cryptic and devoid of reasons. Accordingly, the punishment imposed on the respondent has been set aside with consequential benefits. The petitioners have, however, been granted liberty to proceed against the respondent and pass appropriate orders, if they so desire, in accordance with law.

Signature Not Verified

Digitally Signed By: DINESH CHANDRA  
W.P.(C) 8765/2023  
Signing Date: 21.12.2024  
18:52:40

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9. The Tribunal has also noted that the charge against respondent was essentially that he had not reported for work on certain days, in connection therewith, the Tribunal has noted that the District Magistrate had, by letter dated 19 June 2014 addressed to the CMD of the petitioner, clarified that the respondent was deployed on election duty in the Delhi VREC, Assembly Constituency, Seelampur, during the said period, which is why he was not able to report for duty. The Tribunal has directed that in the event that the petitioners decide to avail the liberty granted by the Tribunal, this letter should also be taken into consideration. We find the direction to be justified.

10. At the time of issuing notice in this writ petition, the petitioners were directed to place on record material to indicate that a copy of the inquiry report had been provided to the respondent. The petitioners have, thereafter, filed an additional affidavit under the cover of an index dated 2 February 2024. Annexed to the affidavit are certain note sheets. Ms. Laavanya Kaushik, learned Counsel for petitioners, has drawn out attention to note sheet dated 21 July 2014, which, too, we deem appropriate to reproduce *in extenso*:

“In the context of the case of Shri Dulichand, Conductor, B No. 23009, the oral and detailed inquiry which was adjourned on 17.7.14, is resumed today on 21.07.2014 before the undersigned.

**Present:** Shri V Trivedi, Inquiry Officer-SBU Shri Dulichand, Conductor, B No. 23009, Accused

The accused was given an opportunity to take the help of a colleague and a labor welfare inspector, on which he refused to take help and said that he would conduct his own investigation.

**Signature**



The accused appeared today with his closing statement. Before taking the closing statement, the accused was again given full opportunity to present defense witnesses, on which he refused and also refused to interrogate others. The accused presented 2 pages of his closing statement handwritten in Hindi language, which were taken from him and placed in the file.

### Signature

The inquiry proceedings are concluded on this occasion with the right that if deemed necessary in the interest of justice, it can be restarted. The copy was given to the accused.

**Inquiry Officer-SBU**  
21/7/14”

11. The concluding comment, on this page, that “the copy was given to the accused”, according to Ms. Kaushik, indicates that the respondent was provided with the inquiry report.

12. We are afraid that the said remark does not make it clear as to whether the respondent was provided with the inquiry report or with the minutes of the meeting dated 21 July 2014.

13. We do not, therefore, express any opinion on this issue.

14. We are, however, in agreement with the Tribunal in its finding that as the communication dated 3 July 2015, as well as the punishment order dated 21 July 2015 issued by the DA and the order dated 15 October 2015 issued by the Appellate Authority were cryptic, non-speaking and devoid of reasons, the punishment imposed on the respondent could not sustain. While setting aside the punishment imposed on the respondent, the Tribunal has already granted liberty to the petitioner to proceed in accordance with law. The petitioner is, therefore, not seriously compromised in any way by the order passed by



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the Tribunal.

**15.** Accordingly, we see no reason to interfere with the impugned judgment passed by the Tribunal.

**16.** The writ petition is dismissed, without any orders as to costs.

**C. HARI SHANKAR, J.**

**ANOOP KUMAR MENDIRATTA, J.**

**DECEMBER 18, 2024**

*p/dsn*

*Click here to check corrigendum, if any*