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

+ **W.P.(C) 2131/2022, CM APPL. 6139/2022**  
**DELHI DEVELOPMENT AUTHORITY AND ORS**

.....Petitioners

Through: Ms. Sriparna Chatterjee, Mr.  
Manish and Ms. Nidhi, Advs.

versus

**RAJINDER KUMAR** .....Respondent  
Through: Mr. Nishchaya Nigam, Adv.

**CORAM:**  
**HON'BLE MR. JUSTICE ANIL KSHETARPAL**  
**HON'BLE MR. JUSTICE AMIT MAHAJAN**

**ORDER**  
**30.03.2026**

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1. Through the present petition, the Petitioners have challenged the correctness of order dated 14.08.2019 (hereafter '**impugned order**'), passed in O.A./100/4050/2014, whereby the learned Central Administrative Tribunal had partly allowed the original application filed by the Respondent and reduced his punishment.

2. Briefly stated, the Respondent was working as a Junior Engineer in DDA and Disciplinary proceedings were initiated against him for alleged lapses which led to substandard construction. A charge memorandum dated 19.03.1998 was issued against the Respondent, wherein four charges were framed against him on account of no remedial measure being taken despite the water being found as not fit for construction purpose; infirmity in the proportion of the concrete mix; poor workmanship, less cover and delay in rectification was observed; and the concrete had spalled due to rusting of reinforcement, which may have been caused by higher chlorides/sulphates in water, less cover and poor compaction.



3. The Respondent challenged the same before this Court in W.P.(C) No.4085/1999 and in the year 2000, he was granted interim relief to the effect that no final decision was to be taken on the basis of the impugned inquiry. Being unaware of the same, by order dated 30.09.2003, the Disciplinary Authority imposed punishment of reduction of pay by two stages in the existing pay scale for a period of two years, with cumulative effect. After the Petitioners became aware of the interim order, the said order was recalled *vide* order dated 09.03.2005. Subsequently, the Respondent withdrew that petition on 25.05.2006, whereafter, by order dated 01.09.2006, the Disciplinary Authority also withdrew order dated 09.03.2005 and restored the penalty imposed *vide* order dated 30.09.2003. The said order was upheld by the Revisional Authority. Aggrieved by the same and placing reliance on the inquiry report where it was found that one of the charges was not proved, the Respondent filed the subject O.A.

4. By the impugned order, the learned Tribunal reduced the penalty to reduction of pay by one stage, in the existing pay scale for a period of two years, with cumulative effect.

5. It is essentially the case of the Petitioners that the penalty order was not perverse, despite which, the learned Tribunal reduced the quantum of penalty without giving any reason. It is submitted that the Disciplinary Authority had duly appreciated the facts before upholding the penalty imposed previously, and even otherwise, the matter should have been remanded back to the Disciplinary Authority.

6. This Court is not persuaded by the aforesaid assertions.

7. The learned Tribunal has rightly appreciated that irrespective of whatever circumstances led the Respondent to withdraw his writ petition, the Petitioners ought to have considered the question of



punishment afresh. Merely because the Respondent withdrew his writ petition, it was not open to the Petitioners to resurrect the previous order of penalty that had been erroneously passed in ignorance of the interim directions of this Court, that too, with effect from the same date.

8. Although it is argued by the Petitioners that no reason was given by the learned Tribunal for reducing the quantum of penalty, however, a bare perusal of the impugned order indicates that the learned Tribunal has clearly noted that it finds itself fortified for this course of action as one of the Articles of charge levelled against the Respondent was not proven.

9. Even so, ordinarily, if a penalty is plagued with such infirmity which makes it unsustainable, the same must only be set aside and it must be left open to the Disciplinary Authority to pass an appropriate fresh order. The Disciplinary Authority ought not to be undermined and the Tribunal should exercise restraint in substituting its conclusion on such matters.

10. Being cognizant of the same, this Court is still of the opinion that the learned Tribunal cannot be faulted for modifying the penalty on account of the peculiar facts of the present case. The learned Tribunal was also justifiably weighed by the fact that the proceedings had been started against the Respondent more than two decades back in the year 1998. On being pointedly asked, it is informed that the Respondent has since attained the age of superannuation and retired. In the circumstances of the present case, the view taken by the learned Tribunal appears to be rational and prudent.

11. In view of the above, given the history of the case as well as the considerable lapse of time from when the charge memorandum was



issued, this Court is of the opinion that the present case is not one which warrants exercise of the extraordinary writ jurisdiction.

12. The present petition is dismissed in the aforesaid terms. Pending application also stands disposed of.

**ANIL KSHETARPAL, J.**

**AMIT MAHAJAN, J.**

**MARCH 30, 2026/JYH**

