(2020) 10 CAT CK 0155

In the Central Administrative Tribunal

Case No : Review Application No. 57, 58 Of 2020 In Original Application No. 250 Of 2015, Miscellaneous Application No. 1357, 2105, 2106 Of 2020 In Original Application No. 221 Of 2015, Miscellaneous Application No. 1358, 2102, 2104 Of 2020

Delhi Development Authority APPELLANT

Vs

Jiwan Ram Gupta RESPONDENT

Date of Decision : 26-10-2020

Acts Referred:

Citation : (2020) 10 CAT CK 0155

Hon'ble Judges : L. Narasimha Reddy, J;Mohd. Jamshed, Member (A)

Bench : Division Bench

Advocate : Sriparna Chatterjee, Girijesh Pandey

Final Decision : Allowed

Judgement

L. Narasimha Reddy, J

MA No.1357/2020 &MA No.1358/2020

1. These Applications are filed with a prayer to condone the delay in filing the Review Applications. It is stated that the delay occurred in the course

of the examination of record and obtaining the copy of the same. A copy of the same was furnished to the learned counsel for applicant in the OA.

2. We heard Ms. Sriparna Chatterjee, learned counsel for applicant and Shri Girijesh Pandey, learned counsel lor respondents.

3. We are satisfied with the reasons furnished for the delay in filing the RAs. The MAs are accordingly allowed and the delay is condoned.

4. The respondents in the OA Nos.250/2015 and OA No.221/2015 filed these two RAs with a prayer to review the common order dated 03.12.2019.

5. The applicant in the OA was appointed as Accounts Officer and he retired from

service in February, 2004. Disciplinary proceedings were initiated

against him and through separate orders, punishment was imposed upon him by the Finance Member of the Delhi Development Authority (DDA). The

OAs were allowed solely on the ground that the disciplinary authority for such cases is the Lt. Governor and the order passed by the Finance

Member, DDA, is without jurisdiction.

6. In the RAs, it is stated that the matter was dealt with by the Lt. Governor in July, 2019 and through an order dated 27.07.2019, the disciplinary

authority i.e. Lt .Governor has imposed the punishment. It is stated that, inadvertently, the said proceedings could not be placed before the Tribunal

when the cases were decided on 03.12.2019.

7. The only ground on which the OAs were allowed was that the Finance Member did not have the Jurisdiction. In para 8, we observed as under :-

8. The case in hand falls into the 2nd category. The penalty ought to have imposed by the Chairman. Instead, the same was imposed by the Finance

Member. Therefore, the Authority, who passed the impugned orders, is not vested with the power.

8. The orders of punishment were set aside and it was left open to the competent authority to take necessary steps.

9. It emerges that the competent authority i.e. Lt. Governor passed an order on 27.07.2019, imposing the punishment. If the applicant is so advised, he

can challenge those proceedings. The respondents shall be under obligation to furnish the copy of the same to the applicant.

10. The RAs are accordingly allowed. We recall the order and OA dated 03.12.2019 in OA Nos.250/2015 and OA No.221/2015 and dismiss the OAs,

leaving it open to the applicant to challenge the order dated 27.07.2019.

Pending MAs, if any, shall stand disposed of.

There shall be no orders as to costs.

