
(2020) 08 CAT CK 0074

In the Central Administrative Tribunal

Case No : Original Application No. 1072 Of 2020

Ravi Kant Singh

APPELLANT

Vs

Delhi Metro Corporation Ltd & Others

RESPONDENT

Date of Decision : 19-08-2020

Acts Referred:

Citation : (2020) 08 CAT CK 0074

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

Bench : Division Bench

Advocate : Swetank Shantanu, V.S.R. Krishna

Final Decision : Dismissed

Judgement

L. Narasimha Reddy, J

1. The applicant is working as Customer Relations Assistant (CRA) in Delhi Metro Rail Corporation, the 1st respondent herein. Disciplinary proceedings were initiated against him by issuing a charge memo dated 22.02.2013, alleging various acts of indiscipline. After conducting the departmental inquiry, the disciplinary authority imposed the punishment of removal from service, through order dated 30.07.2013. After exhausting the remedy of appeal, the applicant filed O.A. No. 1496/2014 before this Tribunal. The O.A. was allowed on 11.07.2019 by observing that the punishment of removal from service was disproportionate and on the higher side. Accordingly, a direction was issued to the respondents to consider the feasibility of imposing any punishment other than the one of removal or dismissal from service. The applicant has since been reinstated into service and through order dated 12.09.2019, the punishment of reduction to the lower stage in the time scale, to be in force for a period of five years, with cumulative effect; was imposed. An appeal preferred against the said punishment was rejected, vide order dated 04.09.2019.

2. This O.A. is filed challenging the order of punishment dated 4.09.2019 as confirmed by the appellate authority vide order dated 12.09.2019.

3. We heard Mr. Swetank Shantanu, learned counsel for applicant and Mr. V S R Krishna, learned counsel for respondents, at the stage of admission.

4. The principal ground urged by learned counsel for applicant is that the punishment, as contained in the impugned order, could have been imposed, only when the charges of corruption were levelled and proved, and in the instant case, such thing did not happen at all. We find it difficult to accept this contention. Full-fledged disciplinary proceedings were initiated against the applicant, and they culminated into the order of removal from service. Except that, the punishment was held to be disproportionate, this Tribunal did not find any defect or lapse in the disciplinary proceedings at all.

5. Once the findings in the departmental inquiry were not touched, much less set aside by this Tribunal, they would certainly hold good for imposing any punishment, other than the one, mentioned in the order passed in O.A. No.1496/2014. Out of sheer respect for the adjudication, which the applicant initiated earlier, the respondents have promptly reinstated the applicant and imposed the punishment, which is of a very lower magnitude. The mere fact that it is a major penalty makes no difference as long as it accords with the order passed in the earlier OA.

6. We do not find any merit in this O.A. It is accordingly dismissed. There shall be no order as to costs.