



2025:DHC:5247-DB



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

Date of decision: 04.07.2025

+ W.P.(C) 9041/2025

MUNICIPAL CORPORATION OF DELHI THROUGH ITS
COMMISSIONER

.....Petitioner

Through: Mr. Manu chaturvedi, Standing
Counsel for MCD with Mr.
Rishabh Singh, ALO.

versus

ROHIT GOEL & ORS.

.....Respondents

Through: Mr. Ashesh Lal, Adv.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE RENU BHATNAGAR

NAVIN CHAWLA, J. (ORAL)

CAV 239/2025

1. In view of the appearance of Mr. Ashesh Lal, the learned counsel on behalf of the respondent, the Caveat stands discharged.

CM APPLs. 38474-75/2025 (Exemption)

2. Allowed, subject to all just exceptions.

W.P.(C) 9041/2025 CM APPL. 38473/2025

3. This petition has been filed challenging the Order dated 20.09.2024 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as, 'Tribunal) in Original Application No. 3679/2016 (hereinafter referred to as, 'OA') titled *Rohit Goel, JE v. North Delhi Municipal Corporation and Ors.*, whereby the said OA filed by the respondent No. 1 herein was



allowed with the following directions:

“12. In view of the position explained above and in view of law laid down by the Hon'ble Supreme Court (supra), we hold that the action of Disciplinary Authority and Appellate Authority are not in accordance with law laid down by the Hon'ble Apex Court. Accordingly, the following order in this case is issued:-

(i) The OA is allowed. The impugned order dated 03.09.2015 (Colly A-1) passed by the respondent No. 1 and order dated 17.8.2016 (Colly A-1) of the respondents No.2 are quashed and set aside.

(ii) The applicant shall be entitled to all consequential benefits. The respondents are directed to settle all consequential benefits of applicant within 10 weeks from the date of receipt of a certified copy of this order.”

4. To give a brief background of the facts in which the present petition arises, the petitioner initiated major penalty proceedings against the respondent No. 1 by issuing charge sheet dated 19.10.2007. The Inquiry Officer, in his report dated 31.03.2015, opined that charges under charges no. 1, 5 and 6 stood proved against the respondent No. 1 and charges no. 2, 3, 4 and 7 were found to be not proved.

5. The Disciplinary Authority, after considering the Inquiry Report, *vide* Order dated 14.05.2015, imposed a penalty of stoppage of three annual increments with cumulative effect for three years upon the respondent No. 1.

6. Admittedly, before passing the above said Order, neither the copy of the Inquiry Report was supplied to respondent No. 1 nor an



opportunity of hearing was granted to him. It was only post the said decision, that by a notice dated 21.05.2018, the respondent No. 1 was called upon to make a representation against the penalty. A copy of the Inquiry Report was attached to this notice.

7. In answer, the respondent No. 1 made a detailed representation against the proposed penalty, however, the same was summarily rejected *vide* Order dated 03.09.2015 passed by the Vigilance Department of the petitioner, observing as under:

“Now, Commissioner, North DMC the Competent Authority after considering reply submitted by Shri Rohit Goel, Jr. Engineer and allied record of the case has observed that he has been given ample opportunity to defend his case before the Inquiry Officer hence rejected his request of personal hearing and, has finally, confirmed the proposed penalty of ‘stoppage of three annual increments with cumulative effect for three years’ upon Shri Rohit Goel, Jr. Engineer, vide his orders dated 25.8.2015.”

8. Therefore, again no opportunity of personal hearing was granted to the respondent No. 1. The Order also did not reflect any reasons for rejecting the representation of the respondent No. 1 against the proposed penalty.

9. Aggrieved thereby, the respondent No. 1 filed an appeal before the Appellate Authority, which again came to be dismissed *vide* Order dated 17.08.2016 passed by the respondent No. 2 herein.

10. The respondent No. 1 thereafter approached the learned Tribunal in form of the OA, which has been allowed by the learned



Tribunal by placing reliance on the Judgment of the Supreme Court in *Managing Director, ECIL v. B. Karunakar*, (1993) 4 SCC 727.

11. The learned counsel for the petitioner submits that even if the learned Tribunal found violation of principles of natural justice because of non-supply of the Inquiry Report to the respondent No. 1 prior to the issuance of the Order dated 14.05.2015 by the Disciplinary Authority, the learned Tribunal should have instead of setting aside the entire disciplinary proceedings, remanded the matter back to the Disciplinary Authority to start afresh from that stage.

12. He submits that the learned Tribunal has failed to appreciate that the respondent No. 2, as an Appellate Authority, had considered the entire plea of the respondent No. 1 against the penalty and thereafter rejected his representation. He submits that, therefore, there was due compliance to the principles of natural justice in any case. He further submits that no prejudice was caused to the respondent No. 1 due to the non-supply of the Inquiry Report by the Disciplinary Authority.

13. We have considered the submissions made by the learned counsel for the petitioner, however, find no merit in the same.

14. In the present case, admittedly, the Inquiry Officer had found four of the charges as not proved against the respondent No. 1. The Disciplinary Authority, however, without issuing any Show Cause Notice to the respondent No. 1, leave alone supplying the copy of the Inquiry Report to the respondent No. 1, proceeded to pass an Order dated 14.05.2015 proposing a penalty of stoppage of three annual increments with cumulative effect for three years on the respondent



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confirmation thereof by the competent authority *vide* Order dated 03.09.2015. The appeal against the same also stood rejected by the respondent No. 2 *vide* order dated 17.08.2016. There has been a long passage of time since then as well. In the present case, therefore, even remand of the matter at this stage, would cause prejudice to the respondent no. 1, denying him adequate and fruitful opportunity to represent against the proposed disciplinary action.

19. Having found no infirmity in the Impugned Order passed by the learned Tribunal, the petition along with pending application is, accordingly, dismissed.

NAVIN CHAWLA, J

RENU BHATNAGAR, J

JULY 4, 2025

p/kj/ik

Click here to check corrigendum, if any