



2025:DHC:7923-DB



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

***Reserved on: 12.08.2025***  
***Pronounced on: 12.09.2025***

+ W.P.(C) 16472/2023 & CM APPL. 66316/2023, CM APPL.  
12908/2024

DELHI DEVELOPMENT AUTHORITY .....Petitioner  
Through: Ms. Kritika Gupta, Mr. Sanjay  
Katyal, and Ms. Vidushi  
Singhanian Advocates.

versus

SUNIL CHAWLA .....Respondent  
Through: Mr. Shanker Raju and  
Mr. Nilansh Gaur, Advocates.

**CORAM:**  
**HON'BLE MR. JUSTICE NAVIN CHAWLA**  
**HON'BLE MS. JUSTICE MADHU JAIN**

### **J U D G M E N T**

**MADHU JAIN, J.**

1. The petitioner has filed the present petition challenging the Order dated 15.03.2023 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as the 'Tribunal') in O.A. No. 3212/2015, titled *Sunil Chawla v. Delhi Development Authority & Anr.*, filed by the respondent herein, whereby the learned Tribunal has held as under:

*“19. In view of the above, we are of the opinion that the two charges based on which the penalty has been imposed, are not proved.*



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*Accordingly, the impugned orders are set aside. The respondents are directed to grant all consequential benefits to the applicant as per the extant rules. This exercise should be completed as expeditiously as possible and preferably within eight weeks of receipt of a copy of this order. No order as to costs.”*

### **FACTS OF THE CASE**

2. The facts giving rise to the present petition are that the respondent was appointed as a Junior Engineer (JE) (Civil) with the petitioners on 06.03.1985 and was sent on deputation to the Municipal Corporation of Delhi (MCD) on 20.04.2002. He was thereafter repatriated back to the petitioner on 06.08.2004. While with the MCD, the respondent was posted as JE(Building) in charge of Lawrence Road Industrial Area, Delhi from 15.07.2002 to 07.03.2003 and thereafter, from 30.06.2003 to 10.09.2003.

3. On 07.02.2006, the petitioners received a letter from the MCD proposing initiation of major penalty proceedings against the respondent and other JEs who were on deputation with the MCD.

4. Accordingly, major penalty proceedings were initiated against the respondent herein *vide* Memorandum dated 12.06.2006, on the allegation that, while functioning in Building Department, Rohini Zone, Municipal Corporation of Delhi, on deputation from DDA as JE (Building) with effect from 30.06.2003 to 10.09.2003, and being in charge of the area of Lawrence Road Industrial Area, Delhi, the respondent had committed lapse on the following counts:

*“1. Shri Sunil Chawla, JE(B) failed to stop/demolish unauthorized construction of deviations and excess coverage at Ground,*



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*First and Second floor by the owner/builder on property No. B-2, Lawrence Road Industrial Area, Delhi at its initial/ on-going stage and thereby allowed owner/builder to carry out and complete the unauthorised construction of a huge Banquet Hall in blatant violation of sanctioned building plan/ Master Plan.*

*2. He failed to book the aforesaid property against unauthorized construction for taking demolition action under section 343/344 of DMC Act.*

*3. He failed to initiate action for sealing under Section 345-A of the DMC Act.*

*4. He failed to initiate action u/s 332/461 r/w 466-A of the DMC Act for prosecution of the owner/builder who carried out non-compoundable deviations/excess coverage in contravention of building/Master Plan of Delhi.*

*5. He also failed to initiate action for disconnection of electricity and water supply to the unauthorised construction portion of the property.”*

5. The Inquiry Officer ('IO'), in his findings dated 15.07.2008, stated that out of five charges, only charges 1 and 2 are proved, while the rest were not established.

6. On receipt of the said findings, a show cause notice was issued to the respondent and after giving him an opportunity of personal hearing, the Disciplinary Authority converted the major penalty into a minor one and a penalty of reduction by 3% of his pay plus grade pay (one increment) without cumulative effect was imposed on him *vide* order dated 17.02.2009.

7. Being aggrieved of the same, the respondent preferred an appeal before the Appellant Authority, which came to be rejected *vide* order dated 15.09.2010.



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8. The respondent thereafter approached the learned Tribunal by way of O.A. No. 3854/2010 against the orders dated 17.02.2009 and 15.09.2010.

9. The learned Tribunal *vide* its Order dated 17.10.2011 set aside both the orders and remanded the matter back to the Disciplinary Authority.

10. The Disciplinary Authority then, by order dated 19.03.2012, imposed a penalty of reduction by one stage in the time scale of pay for a period of one year, with further direction that respondent will not earn increment during this period, and that, on the expiry of the penalty period, it will have the effect of postponement of his future increments of pay.

11. The same was challenged before the learned Tribunal, which *vide* its Order dated 15.01.2014, disposed of the O.A., giving the respondent the liberty to file an appeal against the order dated 19.03.2012 before the Appellant Authority.

12. The respondent then preferred an appeal on 27.01.2014, and the Appellant Authority, reduced the penalty, inasmuch as he was to earn increment during the currency of penalty and after the penalty period it was not to have the effect of postponement of his future increment of pay.

13. Against the order of the Appellant Authority, the respondent preferred a revision petition before the Vice Chairman (VC), DDA requesting for a personal hearing, which was granted to him on 29.04.2015. The VC, DDA declined his revision and on the dismissal of the same, he filed the O.A. before the learned Tribunal, which was



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allowed by the learned Tribunal.

14. The learned Tribunal, after considering the record, found that on several occasions, the respondent had apprised his superior officer that demolition could not be carried out due to shortage of time. The learned Tribunal held that the responsibility for scheduling and execution of demolition rested with the AE, and no dereliction of duty could be attributed to the respondent. The penalty was, therefore, quashed and the O.A. was allowed as mentioned aforesaid.

15. Aggrieved by the Impugned Order, the petitioner has filed the present petition.

**SUBMISSIONS OF THE LEARNED COUNSEL FOR THE PETITIONER**

16. The learned counsel for petitioner submits that the charges against the respondent were duly proved in the departmental inquiry on the bases of the IO's findings. She submits that with respect to charge 1, the respondent was duty bound to prevent and demolish unauthorized constructions at its inception. The inspection records clearly established that the construction had taken place during his tenure, yet no timely steps were taken. Failure to even attempt demolition action, constitutes negligence on the part of the respondent.

17. The learned counsel for petitioner, submits that regarding charge 2, the respondent had failed to book the property under Sections 343/344 of the Delhi Municipal Corporation Act, 1957. Booking of unauthorized property is the first and essential step in triggering demolition proceedings. The omission to book the property,



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despite evident violations, amounted to a serious lapse for which the respondent alone is responsible.

18. The learned counsel for the petitioner contends that the learned Tribunal could not have interfered by re-evaluating evidence, particularly in light of the limited scope of judicial review.

**SUBMISSIONS OF THE LEARNED COUNSEL FOR THE RESPONDENT**

19. The learned counsel for the respondent, submits, that in so far as Charge 1 is concerned, the respondent had made contemporaneous notings on 23.07.2003, 26.08.2003 and 02.09.2003, recording that demolition could not be undertaken for want of time. These notings were placed before the AE, who merely endorsed “try again.” Thus, the respondent had discharged his duty by reporting the matter to the AE.

20. The learned counsel for the respondent, with regards to charge 2, submits that the allegation of “non-booking” is factually misconceived. The record itself showed that during his earlier tenure, that is, 15.07.2002 to 07.03.2003, the respondent had already booked the ground floor of the property and demolition orders had been passed. When he took charge again from 30.06.2003 to 10.09.2003, the property was already booked and pending for demolition. Hence, the charge of failure to book the property during his second tenure simply did not arise.

21. The learned counsel for the respondent submits that the learned Tribunal has not re-evaluated the evidence but corrected the error of



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ignoring contemporaneous notings made by the respondent. These notings, made on 23.07.2003, 26.08.2003 and 02.09.2003, demonstrated that he had reported the situation to the AE, who was ultimately responsible for arranging demolition. Thus, fastening liability solely on the respondent was unjust.

### **ANALYSIS AND FINDINGS**

22. We have considered the submissions made by the learned counsels for the parties.

23. In so far as Charge 1 is concerned, the allegation was that the respondent failed to take timely action to prevent or demolish unauthorized construction. The Disciplinary Authority relied on inspection reports and the Building Watch Register to infer negligence. However, as the learned Tribunal has rightly noted, these documents, though suggestive of construction activity, do not by themselves establish deliberate dereliction of duty. The respondent had placed on record contemporaneous office notings to demonstrate that action was initiated and further decisions were contingent on the superior officers, particularly the AE.

24. With regard to Charge 2, which is about non-booking of the property, the learned Tribunal found that such act of omission or commission does not pertain to the period 30.06.2003 to 10.09.2003 and the respondent, during the period 15.07.2002 to 07.03.2003, had booked the ground floor of the property in question during his earlier period of deputation; he took charge of the post in the same year on 30.06.2003 and remained there till 10.09.2003. Since the property was



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already booked and demolition orders were passed, as proved from the record, question of not booking the property again for unauthorized construction for taking demolition action does not arise.

25. The material relied upon by the Disciplinary Authority does not withstand scrutiny. The reliance on inspection reports without correlating them to the respondent's role, the omission to consider contemporaneous office notings, and the fact that the property was already booked, demonstrate that the findings on Charges 1 and 2 suffer from the vice of being based on no evidence. The learned Tribunal was therefore correct in setting aside the punishment.

26. In light of the above, we find no infirmity in the Impugned Order of the Tribunal. The writ petition, being devoid of merit, stands dismissed. The pending applications are disposed of as infructuous.

27. No order as to costs.

**MADHU JAIN, J.**

**NAVIN CHAWLA, J.**

**SEPTEMBER 12, 2025/ssc/p/ik**