

r
SLP(C)No. 16353 OF 2000

ITEM No.32

Court No. 3

SECTION XIV
A/N MATTER

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No.16353/2000

(From the judgement and order dated 09/07/1999 in LPA 261/99
of The HIGH COURT OF DELHI AT N. DELHI)

D.D.A Petitioner (s)

VERSUS

I.J.MONGIA Respondent (s)

(With prayer for interim relief)
(With Appln(s). for permission to submit additional document(s))

Date : 16/02/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.N. KIRPAL
HON'BLE MRS. JUSTICE RUMA PAL

For Petitioner (s)

Ms. Kum Kum Sen,Adv.

For Respondent (s)

Mr. Rakesh Dwivedi, Sr. Adv.
Mr. Ajay K. Aggarwal, Adv.
Mr. B. Partha Sarthy,Adv.

UPON hearing counsel the Court made the following
O R D E R

.....L.....I.....T.....T.....T.....T.....T.....J

.SP2

Special leave granted.
Appeal is allowed.

.SP1

Kalyani. (D.D. JINDAL)@@
AA
COURT MASTER @@
A AA

(Signed Order is placed on the file.)

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. OF 2001@@
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(Arising out of S.L.P.(C) No.16353 of 2000)

Delhi Development Authority Appellant

Versus

I.J. Mongia Respondent

O R D E R@@
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.....L.....I.....T.....T.....T.....T.....T.....J
.SP2

Special leave granted.

After hearing the counsel for the parties, in cases like the present, where the question is with regard to the role played by the officer concerned who is being charge-sheeted in respect of the quality of the construction which is alleged to be sub-standard, we are of the opinion that merely because Delhi Development Authority, as is usual, was negligent in proceeding against the delinquent officers belatedly, can be no ground for quashing or setting aside the disciplinary action against the officer concerned. We do realise that in some cases delay in taking departmental proceedings may cause serious prejudice to the delinquent officers and in appropriate cases, the Court may

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interfere. But in matters like this, where sub-standard houses are constructed and the material of the sub-standard houses would always be available, it would be open to the employer to take action and we do not see in such a case how the delay would in any way seriously prejudice the delinquent officer.

We, accordingly, allow the appeal and set aside the judgment of the Single Judge as well as the Division Bench of the High Court.

.SP1
.....J
(B.N. KIRPAL)

New Delhi,J

February 16, 2001.

(RUMA PAL)