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

Date of decision: 05.12.2025

+ W.P.(C) 12016/2022 & CM APPL. 35931/2022
UNION OF INDIA & ORS.Petitioners
Through: Mr.Vikrant N. Goyal, Mr.Kunal
Dixit & Mr.Yash Basoya, Advs.
versus
DR. ANIL KUMAR TYAGIRespondent
Through: Mr.Swarnil Dey &
Mr.Vishwambhar Bareja, Advs.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MR. JUSTICE SAURABH BANERJEE

NAVIN CHAWLA, J. (ORAL)

1. This petition has been filed, challenging the Order dated 17.07.2019 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as, the 'Tribunal') in O.A. 138/2019, titled ***Dr. Anil Kumar Tyagi v. Union of India & Ors.***, whereby the said O.A. filed by the respondent herein was allowed.

2. *Vide* the said Order, the learned Tribunal set aside the order dated 11.04.2018, by which the respondent had been visited with the penalty of reduction to a lower stage in the time scale of pay by two stages for a period till the date of superannuation, with further directions that he would earn increments of pay during the period of such reduction and that, on the expiry of this period, the reduction would not have the effect of postponing his future increments of pay,



with immediate effect. It was further directed that a relevant entry be made in the service records of the respondent.

3. The respondent had been proceeded against in the Departmental Inquiry on the following four charges:

“Article 1:

That Dr. AK Tyagi, Sc. 'F' (now Sc 'G') while working as OI/C (Officer in Charge) IC&L (Information, Centre & Library) and Finance Officer, in Defence Institute of Advance Technology (DIAT) (Deemed University), Pune during the years 2006 & 2007, procured a number of books at a much higher price over the ordered/catalogue price. After obtaining approval from the Purchase Committee for the purchase of books at catalogue price, they were procured by Dr. A.K. Tyagi at much higher price, some times to extent of 13 times of catalogue, thereby causing substantial loss to the public exchequer. By this aforesaid act or conduct that is prejudicial to the interests of his employer and which is inconsistent or incompatible with the due discharge of his duty, the said Dr. A.K. Tyagi has failed to maintain absolute integrity, devotion to duty and conducted in a manner that is unbecoming of a Government servant. The said Dr. A.K. Tyagi, thus, violated Rule 3(1)(i), Rule 3(1)(ii) and Rule 3(1)(iii) of the CCS(Conduct) Rules, 1964.

Article II

That the said Dr. A.K. Tyagi, Sc 'F' (now Sc 'G') while working as OI/C (Officer in Charge) IC&L (Information, Centre & Library) and Finance Officer, in DIAT (Deemed University), Pune during the years 2006 & 2007 placed orders without bidding/negotiations directly to vendors and on a single tender basis after approval of



Library Committee. Dr. A.K. Tyagi has not followed any procedure of quotation/negotiation in the instant case. Dr. A.K. Tyagi placed orders on unregistered vendors, whereas as per purchase procedure (DRDO Manual Procedures for Management of Libraries and Technical Information Centers, 1999), orders of only upto Rs. 5000/- can be placed with unregistered vendors. This act of Dr. A.K. Tyagi was in gross violation of the established rules of purchase procedure. The said Dr. A.K. Tyagi thus, violated Rule 3(1)(i), Rule 3(1)(ii) and Rule 3(1)(iii) of the CCS(Conduct) Rules, 1964.

Article III

That the said Dr. A.K. Tyagi, Sc 'F' (now Sc 'G') while working as OI/C (Officer in Charge) IC&L (Information Centre & Library) and Finance Officer, in DIAT (Deemed University), Pune during the years 2006 & 2007 approved the over payment in the purchase of books without bringing to the notice /approval of Competent Authority when he was not vested with any power to clear such over payment cases, thereby exceeding his authority. DIAT, Pune vide their letter dated 22.01.2013 accepted the fact that while releasing the payment to the vendor, no specific approval was taken by the then Librarian from any higher authority, Dr. A.K. Tyagi approved, the said payment to the vendors as Finance Officer, DIAT, while he was in charge of Library at the same time. As per para No. 10.1.1 of purchase procedure (DRDO Manual of procedures for Management of Libraries and Technical Information Centers, 1999), before payment to vendors, pre-auditing is mandatory. However no such pre-auditing mechanism was followed by Dr. A.K. Tyagi resulting in escapement of over-payment cases from scrutiny and corrective action. It is, therefore, evident that Dr. A.K. Tyagi flouted the guiding principles



of FR-21 (Standards of Financial Propriety) and FR-26 (Responsibility of Controlling Officer in respect of Budget Allocation) of General Financial Rules resulting in loss to the public exchequer. The said Dr. A.K. Tyagi thus, violated Rule 3(1)(i), Rule 3(1)(ii) and Rule 3(1)(iii) of the CCS(Conduct) Rules, 1964.

Article IV

That the sale Dr. A.K. Tyagi, Sc 'F' (now Sc 'G') while working as OI/C (Officer in Charge) IC&L (Information, Centre & Library) and Finance Officer, in DIAT (Deemed University), Pune during the years 2006 to 2008 subscribed the Nature Journal, an online journal at a cost of Rs. 26,39,433/- which included the payment of Rs.1,80,455/- for the year 2006, Rs. 1,81,038/- for the year 2007, and 100 years back file for 22,77,940/- in the year 2008. Dr. A.K. Tyagi placed procurement order of such a costly online journal "Nature Journal" without any justifiable demand for its users. Dr. A.K. Tyagi purchased this online journal (Nature Journal) through a dealer whereas it should have been purchased from publisher directly. The dealer raised the said bills on DIAT, Pune after charging 5% to 20% commission over and above the subscription charges of the Nature Journal from 2006-2008 paid by him to the publisher. Whereas, if the journal would have been subscribed directly from the publisher, it would have led to huge savings. The said Dr. A.K. Tyagi, thus violated Rule 3(1)(i), Rule 3(1)(ii) and Rule 3(1)(iii) of the CCS(Conduct) Rules, 1964."

4. The Inquiry Officer, in his report dated 07.09.2015, held the charges to be partially proved. The Disciplinary Authority, however, issued a disagreement note, as far as the finding on the charge under



Article IV was concerned, and called upon the respondent to give his reply to the same. Thereafter, by the order dated 11.04.2018, the Disciplinary Authority held that the charges under Articles I, II and III were partially proved and the charge under Article IV was fully proved and, therefore, proceeded to impose the above punishment on the respondent.

5. The learned Tribunal, however, set aside the above penalty order, observing as under:

“10. One rarely comes across such equivocal approach on the part of an Inquiry Officer. The extracted portion contains two sentences. The first sentence clearly mentions that the allegations made against the applicant “is not found substantiated”. The discussion ought to have ended there. It is not a case where the IO divided the charge into various facets and recorded the finding on each of them. When he found that the allegations contained in Article-1 is not found substantiated, there was no necessity for him to make the observation in the second sentence.

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12. As regards this Article also, he made a clear observation that the allegation “is not found established”, but, he added something more, by using the adverb ‘however’. Whatever observations we have made in respect of Article-1, would hold good for Article-2 also.

13. ...This clearly shows that the IO was in an utter confused state of mind. The benefit of this equivocal finding, if at all, has to be extended to the applicant.

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16. He observed that the allegation that there was no justifiable demand for the Journal, is found not established. However, by referring



to the price paid to the supplier on the one hand, and the one received by the publisher from the supplier on the other, it was opined that it would have been better, had the journal been procured from the publisher. Howsoever, advisable that may be, it was not alleged that the applicant had malafide intention in procuring it from M/s Murugan. Added to that, the price was paid in British pounds and to procure any material from a foreign publisher, the permission from the Reserve Bank of India was necessary. The procurement of the Journal and payment of price was not a decision taken by the applicant on his own accord. It was the collective decision of the Council as approved by the Executive Committee. The I.O. was totally wavering in his approach and even in that process, did not hold that the charge is proved.

17. The applicant was chosen on account of his outstanding and merit, to improve a library of a prestigious organisation. The merit of his service was recognised and he was even promoted. He was also selected for Full Bright Scholarship to work with Digital Library Research Laboratory (DLRL) Department Computer Science and Engineering, Virginia, USA. There are several such accomplishments for the applicant. Finding fault with him, on small aspects, that too seven years after the alleged acts, which in fact were held not proved by the IO and imposing punishment, does not augur well for the institutions of such higher repute."

6. The learned counsel for the petitioners submits that the Articles of Charge against the respondent were duly inquired into by the Inquiry Officer, and that, as far as the charges under Articles I, II and III were concerned, they were found to be partially proved, inasmuch as there were found to be procedural oversights committed by the respondent. As far as Article IV is concerned, not only was



the Journal purchased without a demand, but also through a dealer who was paid commission, thereby resulting in financial loss to the petitioners. He submits that the learned Tribunal erred in going into the evidence and disagreeing with the findings of the Inquiry Officer and the Disciplinary Authority.

7. On the other hand, the learned counsel for the respondent submits that the Inquiry Officer, in his report, has in fact, *qua* Articles I, II and III found that the Articles of Charge as framed against the respondent were not proved, however, he went ahead and found them partially proved on some other charge which was not even placed against the respondent. He further submits that as far as Article IV is concerned, for procurement of the Journal, the approval of the Executive Council (EC) chaired by the Vice Chancellor (in short, 'VC') had been obtained. Merely because the respondent had set up a case that the HoDs were also consulted later, would not, in any manner, prove the charge that the Journal was purchased without proper approval or demand. As far as the financial aspect in purchase of the Journal was concerned, the learned Tribunal has rightly held that the same was a collective decision for which the respondent alone could not have been blamed.

8. We have considered the submissions made by the learned counsels for the parties. We have also perused in detail the Inquiry Officer's report, the disagreement note, and the eventual penalty order dated 11.04.2018.

9. At the outset, we note that the order dated 11.04.2018 brushes aside the explanation given by the respondent by a non-speaking



order, and we shall reproduce the relevant paragraphs of the same as under:

“4. AND WHEREAS, after careful examination of the report submitted by the Inquiry Officer, the Disciplinary Authority accepted the findings of the Inquiry Authority with respect of Article I, II & III and disagreed with the IO’s report with respect to Article IV. Accordingly a copy of IO Report, along with disagreement note on the findings of IO with respect to Article IV, was forwarded to Dr. A.K. Tyagi Vide Order No. 203/D(Vig.II)/2011 dated 09.01.2018 for making representation, if any, against the same.

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8. AND WHEREAS, after careful consideration of the charges framed against Dr. A.K. Tyagi and the representations dated 09.10.2013, 09.02.2018 and 23.03.2018 made by Dr. AK Tyagi and all other relevant documents of the case, the Disciplinary authority does not find any merit in the arguments of the Charged Officer and therefore holds that charges under Article I to III as partly proved and charge under Article IV as proved and whereas the Disciplinary Authority has also considered the quantum of penalty to be imposed on him.”

10. Be that as it may, on a perusal of the Inquiry Officer’s report, we find that the charges under Articles I, II and III, as framed against the respondent, were in fact found to be not proved against the respondent. However, the Inquiry Officer proceeded on other assumptions to hold the same to be partially proved on a basis which was not even the charge framed against the respondent. For Article IV, the Inquiry Officer found that the Journal, in question, was purchased after the approval from the EC headed by the VC of the



petitioners. Therefore, merely because the respondent had contended that later even the approval of the HoDs was obtained, was irrelevant. Once the highest authority of the petitioners had already approved the purchase of the Journal, the charges against the respondent should, therefore, have failed on this ground itself. In spite of the same, the disagreement note was issued to the respondent against the Inquiry Officer's report and, eventually, by a non-speaking order, he was visited with the penalty. For the financial aspect of the purchase of the Journal, the learned Tribunal has rightly found that it was a collective decision, where the invoices raised had passed through various levels of scrutiny and were approved. The respondent, therefore, alone could not have been faulted for the same.

11. We see no reason to disagree with the above finding of the learned Tribunal.

12. This is not a case of the learned Tribunal entering into a re-appreciation of evidence, but of finding that the Disciplinary Authority's Order was based on no evidence and, in fact, contrary to the record.

13. We may also note that the grounds that have been urged in support of this petition by the petitioners clearly show the lack of merit in the challenge to the Impugned Order. We reproduce the same as under:

"D. BECAUSE the Hon'ble Tribunal has itself in its order dated 17.07.2019 agreed to the absence of evidence and insufficient reasoning provided by the Inquiry Officer in the report dated 07.09.2015.



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F. Because the Hon'ble Tribunal had at several occasions mentioned that:

"13....This clearly shows that the IO was in utter confused state of mind..."

"16....The IO was totally wavering in his approach and even in that process, did not hold that the charge is proved."

"17....Finding fault with him, on small aspects, that too seven years after the alleged acts, which in fact were held not proved by the IO and imposing punishment, does not augur well for the institution of such higher repute."

Therefore, making it necessary for this Hon'ble Court to reassess the evidence so as to ensure that no injustice has been done to the Petitioners. This has been reiterated by this Hon'ble Court in Ex. Head Constable Manjeet Singh vs Union of India & Ors."

14. The petitioners, therefore, want this Court to re-assess the evidence, which is not permissible.

15. In view of the above, we find no merit in the present petition. The same is, accordingly, dismissed. The pending application also stands disposed of.

16. The respondent shall be entitled to all consequential benefits of the Order passed by the learned Tribunal. The said benefits must be released to the respondent within a period of eight weeks from today.

NAVIN CHAWLA, J

SAURABH BANERJEE, J

DECEMBER 5, 2025/rv/Yg