

CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH

Original Application No. 045/00285 of 2019

Date of Decision: 03.09.2019

THE HON'BLE MRS. MANJULA DAS, JUDICIAL MEMBER

THE HON'BLE MR. N. NEHSIAL, ADMINISTRATIVE MEMBER

Shri Jiten Chandra Talukdar
S/O Shri Harmohan Talukdar
R/o.State office Khadi and Village Industries
Commission, "H" Sector, Itanagar
Arunachal Pradesh.

... Applicant

By Advocate: Ms. K. Goswami

-Versus-

1. Union of India
Represented by the Secretary
Ministry of Micro &
Small Medium Enterprises (MSME),
Udyog Bhawan, New Delhi-110011.
2. The Chief Executive Officer,
Khadi & Village Industries Commission,
3 IRLA Road, Vile-Parle(West) Mumbai-56.
3. The Joint Chief Executive Officer
Cum Disciplinary authority
Khadi & Village Industries Commission 3
IRLA Road Vile Parle,
West Mumbai-56.
4. The Dy.Chief Executive Officer (NEZ),
Khadi & Village Industries Commission,
Zonal Office, Rupnagar, Guwahati-32.

5. The Director I/C. State office Khadi & Village Industries Commission H-Sector Itanagar, Arunachal Pradesh-791113.

... Respondents

ORDER (O R A L)

MANJULA DAS, JUDICIAL MEMBER:

The applicant has filed this O.A. under Section 19 of the Administrative Tribunals Act 1985, with the following reliefs:-

“8.1 To direct the respondents to withdraw the minor penalty of withholding one increment of pay for a period of one year without cumulative effect imposed upon the applicant.

8.2 To direct the respondents to consider and dispose of the appeal and representations preferred by the applicant suitably under the facts and circumstances stated in the aforesaid appeal, representations as well as in the instant original application.

8.3 To direct the respondents to stop further deduction of increment from the monthly salary of the applicant and as well as to refund the amount already deducted from the monthly salary of March 2019 to July, 2019 @ Rs.1690/- deduction per month (approximately).”

2. Ms.K.Goswami, learned counsel for the applicant submitted that the applicant is working as an Executive (Village Industries REBT) State office) Khadi & Village Industries Commission Itanagar, Arunachal Pradesh, under the respondent No.5. A disciplinary proceeding was initiated against the applicant on the charge of misconduct towards the then respondent No.5 under Regulation 12 of KVIC-Employees (CCA) Regulation 2003. After enquiry, the disciplinary authority imposed upon the applicant a minor penalty of withholding one increment of pay for a period of one year without cumulative effect vide order dated 30.8.2018.

3. Being aggrieved with the order dated 30.8.2018, the applicant preferred an appeal before the Chief Executive Officer, Khadi & Village Industries Commission, Mumbai on 6/9.11.2018 under Regulation 19 of the KVIC Employees (CCA) Regulation Act, 2003. But the

Disciplinary authority did not consider the appeal preferred by the applicant. Thereafter, applicant made another appeal on 15.03.2019 before the Chief Executive Officer, Khadi & Village Industries Commission, Mumbai. According to the learned counsel, same is also still pending.

4. Learned counsel further submitted that the authority has started deduction of his increment from the month of April, 2019 for an amount of Rs.1690/-(approx.), for which the applicant is suffering from great financial hardship in maintaining the family and irreparable loss and injury.

5. Since the appeal of the applicant is still pending, as such, without going into the merits of the case and without issuing notice to the respondents as well as in the ends of justice, we direct the respondent authority to dispose of the last appeal filed by the applicant dated

15.03.2019 within a period of one months from the date of receipt of this order.

6. It is made clear that the decision so arrived by the respondent authority shall be communicated to the applicant forthwith.

7. O.A. stands disposed of accordingly at the admission stage. No order as to costs.

(N.NEIHSIAL)
ADMINISTRATIVE MEMBER

(MANJULA DAS)
JUDICIAL MEMBER