



**Central Administrative Tribunal
Principal Bench, New Delhi**

O.A. No.1195/2021

This the 29th day of June, 2021

(Through Video Conferencing)

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Ms. Aradhana Johri, Member (A)**

Gaurav Kumar Garg, Aged about 33 years,
Group 'B' Service,
Accounts Officer, National Small Industries Corporation Limited,
Ministry of Micro, Small & Medium Enterprises,
Branch Office Delhi, NTSC Complex, Okhla Industrial Estate,
Near Govindpuri Metro Station, New Delhi – 110020,
Permanent resident at House No. 384,
Street Gokul Nagar, Opposite office of Indane Gas Agency,
Tehsil Chandpur, District Bijnor, Uttar Pradesh- 246725.

...Applicant

(By Advocate : Ms. Akanksha Choudhary)

Versus

1. National Small Industries Corporation Limited,
Ministry of Micro, Small & Medium Enterprises,
Through Chairman-cum-Managing Director,
NSIC Bhawan, Okhla Industrial Estate, New Delhi- 110020.
2. Chief General Manager/Zonal General Manager,
NCR Zone, National Small Industries Corporation Limited,
Ministry of Micro, Small & Medium Enterprises,
Branch Office Delhi, NTSC Complex, Okhla Industrial Estate, Near
Govindpuri Metro Station, New Delhi – 110020.
3. Senior Branch Manager,
National Small Industries Corporation Limited,
Ministry of Micro, Small & Medium Enterprises,
Branch Office Delhi, NTSC Complex, Okhla Industrial Estate, Near
Govindpuri Metro Station, New Delhi – 110020.
4. General Manager (Human Resource)
The National Small Industries Corporation Ltd.,
Ministry of Micro, Small & Medium Enterprises,
NSIC Bhawan, Okhla Industrial Estate,
New Delhi – 110 020.

...Respondents

ORDER (ORAL)



Justice L. Narasimha Reddy, Chairman:

The applicant was appointed as Accounts Officer (AO) in the National Small Industries Corporation Limited - the 3rd respondent. He was posted at an office in Delhi in July 2020, but he did not attend the office, since then. The office prepared a duty chart which included the name of the applicant also. However, the applicant did not attend the office by taking the plea that persons with disabilities are exempted from attending the duty during COVID-19 pandemic period.

2. When the applicant made a representation in that behalf, reply was given by the respondents stating that the exemption is only in favour of senior citizens and pregnant women and the applicant has to attend the office. The applicant continued to remain absent and made representations, apart from getting issued a lawyer's notice requiring the respondents to pay the salary for the period, during which he did not attend. His request was not acceded to. This OA is filed with a prayer to direct the



respondents to declare that the inclusion of his name in the duty chart is illegal in view of various OMs issued by the Government and to direct the respondents to pay the salary from July, 2020. Another prayer is to initiate a disciplinary action against the employees whose decisions have caused the delay of payment of his salary from July, 2020.

3. The applicant contends that the Government of India issued guidelines, particularly in favour of persons with disabilities and there was absolutely no basis for the respondents in denying salary to him or include his name in the duty chart.

4. Today, we heard Ms. Akansha Choudhary, learned counsel for the applicant, at the stage of admission.

5. The prayer of the applicant is somewhat curious. It reads as under:-

"(a) Direct the respondents to clarify that the name of the applicant had been wrongly included in all duty rosters after DOPT OM dated 19.05.2020 had been issued providing exemption to persons with disabilities from being included in duty rosters during the Covid-19 pandemic;

b) Direct that the action of including the name of the applicant in the duty rosters issued by the respondent organization are in contravention of DOPT OMs dated 19.05.2020, 05.06.2020, 28.08.2020, 02.11.2020 and DPE OM dated 14.09.2020, 23.09.2020 and 02.11.2020.



- c) Direct the respondents to immediately release the salary of the applicant which has been illegally and with malafide intent been withheld from July, 2020 onwards;
- d) Direct the respondents to take appropriate disciplinary action against the Departmental employees whose decisions have caused the grave delay of payment of Applicant's salary from July, 2020 onwards;
- e) Grant the benefits as sought in prayer (b) along with 12% interest thereon due to unjustified and intentional delay;
- f) Direct payment of litigation costs, compensation and other miscellaneous costs amounting to Rs. 2,00,000 to the Applicant; AND
- g) pass any other and further orders as this Hon'ble Tribunal may deem fit in the nature and circumstances of the case be granted.”

6. The cause for filing the O.A is that the name of the applicant was included in the duty chart. In case the applicant has any objection to that, he was required to make a representation and then to abide by the decision. There cannot be any justification for an employee to remain absent by placing his own interpretation on the various orders and guidelines issued by the DOPT. Being an employee of the 1st respondent, the applicant was required to act according to the orders issued by his employer. This is not a case where the applicant suffers from any ailment referable to COVID or otherwise. It is not difficult to understand the importance of Accounts Officer in the organisation. Several activities will be seriously hampered on account of the absence of the Accounts Officer.



7. We, therefore, dispose of the OA declining to interfere with the impugned order, but directing that the respondents shall be under obligation to release the salary for the period during which the applicant worked. The necessary steps in this behalf shall be taken within four weeks from the date of receipt of copy of this order.

There shall be no order as to costs.

(Aradhana johri)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

/rachna/maya/ankit