



ALL INDIA CENTRAL EXCISE INSPECTORS' ASSOCIATION

MUMBAI CIRCLE

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1957-2008

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ICESTEA

President

Shishir Kr Agnihotri

General Secretary

Koneru Prabhakar Rao

To,

Shri B.K Gupta, IRS.

Hon'ble Member (P&A)

CBEC, North Block, New Delhi- 110 001

AICEIA/MC/3days pay/ 3/2008

24th June 2008

Dept. forcing us to resort to legal remedy

Sir,

Sub: **Release of 3 days pay deducted for the period 10-12th Nov 1998**

In continuation to this Association appeals to the Board, latest being on 15th May 2008, **the following facts brought to your kind notice** on three days pay-deduction i.r.t Inspectors working in the **erstwhile Mumbai I-VII Commissionerates**:-

- ❖ The Joint Commissioner (P&V), C. Excise Mumbai IV, Vide F No II/3-9/98 M-IV dt 16th Dec 1999 has communicated, that the **Commissioner is pleased to take a lenient view and condoned the strike period in respect of Inspectors of C. Excise** and directed the C A O, and all Divisional AC/DCs to regularise the strike period by obtaining Earned leave application from each officer and paid the salary for the period. Similar letters were issued by all other Commissionerates in Mumbai I-VI Commissionerates.
- ❖ **Pay drawn** and paid to Inspectors after an order of condonation by the head of dept. (Commissioner) has been again deducted, **which amounts to withdrawal of condonation.**
- ❖ **Earned leave granted** after obtaining application from each employee and sanctioned by the competent authority, which has already been debited in the leave account **has been re-credited.**
- ❖ The same authority released the pay for the strike period by obtaining Earned leave for 9 days in the case of Ministerial staff, and for 30 days in the case of Group D staff.

Whether, the earned leave, once granted can be withdrawn or rejected subsequently. Earned leave once debited can be re-credited without proper reason. The Condonation once exercised by the head of office withdraw it him/her self. The Board can take different administrative actions on similar issues, differently for different class of employees.

The above act of the administration is bad in Law, and it is presumed that there is a malafied intention to deprive the salary to Inspector Cadre alone. This different actions in the similar matters amounts to discrimination. **This discrimination is also an arbitrary state action, as the discretionary powers are used violating the fundamental rights, provided under the Art. 14 and 16 of the Constitution of India.**

In view of the above facts and as a model employer, the Dept should reconsider the matter and release the 3 days salary of Inspectors of C. Excise. The matter requires attention of the Board for a positive action, which may go a long way in raising morale of staff working in the field level.

Yours' Sincerely,

Encl:- lrs. 21.1.2008, 15.5.2008

Encl: as above.

Cc to: **The Revenue Secretary**

North Block, New Delhi, 110 001.

(KONERU PRABHAKARA RAO)

GENERAL SECRETARY

– for kind information and necessary action please.