

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1162 of 2018

In
Civil Writ Jurisdiction Case No.13787 of 2015

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Hare Krishna Yadav Son of Late Jagdambi Yadav, Resident of Mohallah-
Priyadarshi Nagar, D.P.S. More, P.S.- Rupaspur, Town and District- Patna
Bihar.

... .. Appellant/s

Versus

1. The Union Of India and Ors
2. Kadhi and Village Industries Commission, 3, Irla Road, Vile Parle West,
Mumbai- 400056 through its
3. The Deputy Chief Executive Officer EZ-cum-Appellate Authority of Khadi
and Village Industries Commi
4. The Director Administration, Kadhi and Village Industries Commission, 3,
Irla Road, Vile Parle West
5. The Chief Vigilance Officer, Kadhi and Village Industries Commission, 3,
Irla Road, Vile Parle West
6. The State Director, Khadi and Village Industries Commission, Bihar State
Office, Sheikhpura, P.O.-
7. Smt. Birla Mahor, Enquiry Officer, Assistant Director KC, Kadhi and
Village Industries Commission,

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Sri Ram Krishna, Adv. Mr. Akash Chaturvedi, Adv.
For the KVIC		Mr. Dharmendra Choubey, Adv.
For the UIO	:	Ms. Kanak Verma, Adv.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
and
HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE SHIVAJI PANDEY)

5 25-02-2020 Heard learned counsel for the appellant and learned
counsel for the respondents.

In the present case, the punishment of stoppage of
three increments have been awarded to the appellant for an act



which constitute violation of Regulation 3 (1) (I) (ii) (iii) of KVIC (Conduct) Regulations, 2003 and for that a proceeding was initiated and ultimately a minor punishment of stoppage of three increments with non-cumulative effect has been awarded to the appellant.

The short question has been raised that the proceeding was initiated for manipulation of Roster Register which was identified by Sri L.K.L. Das, UDC and Sri Ajay Kumar, Steno and they were directed on 04.08.1998 by the State Director, KVIC, Patna to visit Central Office, Mumbai for verification of the Roster Register and its records. The Roster Register and other records was given to Sri H.K. Yadav on 20.08.1998 while Sri Das was leaving for Mumbai on 21.08.1998. Whereafter, it appears doubt about the said manipulation and he had never tried to settle the issue even functioning as a Superintendent I/C from 2003 to 2008 and dealing the said matter since long. The suspicion grew that manipulation of record has been done by appellant. On the issue of manipulation of the Roster Register, the proceeding was initiated in the year 2010 and minor order of punishment has been awarded to the appellant in the year 2015, so the KVIC, Patna took about more than 10 years for initiation of proceeding with respect to manipulation of records that itself



the stale matter. When it was within the knowledge of the management that certain manipulation has been made in the Roster Register at the earliest or after reasonable time, they should have initiated proceeding and could have passed the order of punishment but they remained silent for last 11 years which itself shows staleness of proceeding. We feel inclined to interfere with in the impugned order.

The learned Single Judge has not examined this aspect of the matter and decide the issue on violations of regulations. The staleness of proceeding has not gone into. If the proceeding is initiated after a long gap is a stale proceeding liable to interfered with.

In such view of the matter, we allow the appeal, set aside the order of the learned Single Judge as well as the order passed by the Authority in imposing the punishment of stoppage of three increment with non-cumulative effect.

(Shivaji Pandey, J)

(Anjani Kumar Sharan, J)

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