

W.P.C.T. 202 of 2025

**Union of India & Ors.
Vs.
Sateesh Kumar & Anr.**

Mr. Ajit Kumar Chaubey,
Mr. Falguni Bandyopadhyay

...for the Petitioners

Mr. S. Ganguly

...for the Respondent No.1

1. Affidavit-of-service filed on behalf of the petitioners is taken on record.
2. The learned counsel representing the Union of India submits that the Union of India was not allowed an opportunity to file a reply before the Central Administrative Tribunal, Kolkata Bench ('Tribunal' for short). The applicant had approached the Tribunal by filing O.A. No.874 of 2025 seeking a direction that his resignation be accepted and no objection be issued so as to enable him to join his appointment in the Employees' Provident Fund Organisation (EPFO).
3. The Tribunal taking into consideration the punishment of withholding of one increment for a period of 3 months vide order dated 18.02.2025, was of the view that the applicant's retention in service was no longer required since the penalty had been imposed on 18.02.2025, considering the effect of penalty to be already over.

4. Before the Tribunal, as well as before this Court, the learned counsel representing the applicant submits that he is not claiming anything from the department and his only demand is that he be released after acceptance of his resignation so as to enable him to join the EPFO as soon as possible. He submits that the offer of appointment has been pending now since March, 2025.
5. The learned counsel for the Union of India submits that there was a punishment existing which mandated withholding of one increment for three months. Petitioner's date of annual increment is in July. The withholding of three increments, therefore, would take effect only after a lapse of three months, i.e. in September, 2025. Only then a situation would arise where one increment is withheld for three months. He, therefore, submits that the order of the Tribunal directing for accepting his resignation in July itself, is unsustainable.
6. The admitted position that emerges from the submission is that the right of the employer/petitioners to withhold the increments of the applicant would seize after the increment is withheld from this current month (September 2025) salary.

7. We, therefore, consider it futile to keep the writ petition pending.
8. It is expected that immediately after September 2025, respondents will take steps expeditiously, so as to ensure compliance with the Tribunal's order within a period of two weeks.
9. The order of the Tribunal stands modified accordingly.
10. The Writ Petition being **W.P.C.T. No.202 of 2025** is accordingly disposed of.
11. There will be no order as to costs.
12. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Madhuresh Prasad, J.)

(Supratim Bhattacharya, J.)