

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI

ORIGINAL APPLICATION No.156/2021

Date of Decision: 2nd March, 2021

CORAM: DR. BHAGWAN SAHAI, MEMBER (A)
RAVINDER KAUR, MEMBER (J)

Gopal Vishnu Gadhave
Age: 64 Years, Occ. Retired
Residing At 204, Shivprasad
CHS Anand Nagar, Old Sangavi,
Pune Pin - 411 027.

... Applicant

(By Advocate Shri Mahesh V. Rawool)

VERSUS

1. Union of India through
The Central P.F. Commissioner Employee
Provident Fund Organization,
14, 6th Floor, NBCC, Bhikaji
Cama Palace, New Delhi - 110 066.
2. The Additional CPFC (MH
& CG) Employees P.F.
Organisation, 341, Bhavishya
Nidhi Bhavan, Bandra (East)
Mumbai - 400 051.
3. Regional P.F. Commissioner
Pune Region, Golibar Maidan,
Cantonment Board Bhavan,
Pune - 411 001.
4. RPFC - I
238, E-Ward, Tarabai Park,
Kolhapur, Dist. Kolhapur,
Pin - 416 003.

... Respondents

Proceeding conducted through videoconferencing with
consent of counsel for the applicant

ORDER (ORAL)Per: Ravinder Kaur, Member (J)Present:

Advocate . Shri Mahesh V. Rawool for the applicant.

2. Heard Shri Rawool on admission.

3. In the present OA, the applicant seeks directions to the respondents to reinstate him in service by quashing and setting aside the order of his dismissal from service dated 07.07.2006 and to grant him all the consequential monetary benefits.

4. It is submitted that a Special Case No.29/2001 under Prevention of Corruption Act was registered against the applicant and Suryakant Shankarrao Gaikwad, Section Supervisor. Disciplinary proceedings were also initiated against both of them. Vide order dated 07.07.2006 (Annex A-5), the present applicant was dismissed from the service whereas Shri Gaikwad was dismissed from service w.e.f. 28.06.2006. In the criminal trial both of them were convicted under the Prevention of Corruption Act. They preferred appeal before the Bombay High Court in which they were acquitted in the criminal case vide order dated 10.02.2016. Consequently, the applicant made representations dated 10.03.2016, 12.08.2016, 28.11.2016, 29.03.2017, 28.08.2017, 21.11.2017, 09.02.2018, 26.12.2018, 01.02.2019 and 25.03.2019 to

the respondents to set aside the order of his dismissal dated 07.07.2006. However, he did not receive any response. Later on, he came to know that the Appointing Authority vide order dated 19.12.2019 had set aside the penalty of dismissal vide order dated 28.06.2006 imposed upon Shri Gaikwad on the basis of the High Court order referred to above. Consequently, the applicant made another representation dated 06.01.2020 to the respondent No.3 bringing to his notice that the applicant as well as Shri Gaikwad were acquitted of the criminal charge by the same High Court judgment dated 10.02.2016, the copy of which he had already submitted to respondent No.3 on 10.03.2016 alongwith his appeal seeking revocation of his dismissal order and reinstatement on duty. Again the applicant did not receive any response from the respondents.

5. In these facts and circumstances of the case, it would be appropriate to issue necessary directions to the respondent No.3 to dispose of the applicant's representation dated 06.01.2020 alongwith his other representations referred to above in a time-bound manner. The respondent No.3 is, therefore, directed to consider and dispose of all these representations in the light of High Court decision dated 10.02.2016 acquitting the applicant as well as Shri Gaikwad of the

criminal charge and the order dated 19.12.2019 issued by respondent No.3 setting aside the penalty of dismissal vide order dated 28.06.2006 in respect of Shri Suryakant Shankarrao Gaikwad as per law/rules and regulations vide reasoned and speaking order within a period of eight weeks from the date of receipt of certified copy of this order and to communicate the order to the applicant within one week thereafter.

6. With these directions, the Original Application stands disposed of at the admission stage itself. MA No.174/2021 stands closed. No order as to costs.

(Ravinder Kaur)
Member (J)

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(Dr. Bhagwan Sahai)
Member (A)

JD
8/13/21