

Item 15



**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

OA No. 1196/2021

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)**

B.K. Sinha, Assistant PF Commissioner, Group A,
Aged about 60 years,
S/o Late Sh. Rajender Prasad,
R/o Flat No. 2601,
Park Royal Residency Apartment,
Sec-22, Dwarka, New Delhi – 110077.

... Applicant

(By Advocate : Mr. M. K. Bhardwaj)

Versus

1. Union of India,
Through its Secretary,
Ministry of Labour & Employment,
Shram Shakti Bhawan,
New Delhi – 110001.
2. Employees' Provident Fund Organisation,
Through CPFC,
Head Office, 14- Bhikaji Cama Place,
New Delhi.

... Respondents

(By Advocate : Mr. Shailendra Tiwari for respondent No. 1)

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**ORDER (ORAL)****Justice L. Narasimha Reddy, Chairman :**

The applicant is working as Assistant Provident Fund Commissioner in the Employees' Provident Fund Organization (EPFO). He was issued a charge memo on 02.12.2020 with certain allegations. The applicant submitted his explanation and not satisfied with that, the disciplinary authority passed an order dated 28.05.2021, appointing the Inquiry Officer (IO). This OA is filed challenging the charge memo as well as the order of appointment of IO.

2. The applicant contends that proceedings are initiated against him with reference to a stale matter and as a matter of fact, when the inquiry was conducted by the department in the year 2016, nothing was found against him. With this contention the applicant challenges the very charge memo as well as the order of appointment of IO. He further contends that he is about to retire in the month of October, 2021 and this exercise is undertaken to deny him, the retirement benefits.

3. We heard Mr. M.K. Bhardwaj, learned counsel for the applicant and Mr. Shailendra Tiwari, learned counsel for respondent No. 1.

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4. The applicant challenges the very charge memo as well as the order of appointment of IO. Though, it is alleged that the disciplinary authority is the one, not vested with the power, we do not find substance in it. The question as to whether the allegations made against the applicant are true or otherwise, needs to be examined only in the departmental enquiry. The applicant has already submitted his explanation and the IO is appointed. The proceedings can be concluded, by the time the applicant attains the age of superannuation. We do not find any infirmity and illegality in the orders issued by the respondents and do not intend to interfere with the charge memo as well as the order of appointment of IO.

5. We, therefore, dispose of the OA directing that the disciplinary proceedings initiated against the applicant shall be concluded by 15th October, 2021. The applicant shall extend his cooperation and shall not cause any obstruction in the enquiry. There shall be no order as to costs.

(Aradhana Johri)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

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