**CENTRAL ADMINISTRATIVE TRIBUNAL**
**LUCKNOW BENCH, LUCKNOW**
**(Hearing through Video Conferencing)**

**Sl. No. 1**

**Original Application No. 332/00125/2020**

**This, the 011th day of February, 2021.**

**HON'BLE MS. MANJULA DAS, MEMBER (J),**
**HON'BLE MR. A. MUKHOPADHAYA, MEMBER (A).**

Amitabh Shukla, aged about 50 years, son of- Shri Shyam Kumar Shukla, Resident of – 4/471, Vijayant Khand, Gomti Nagar, Lucknow.

...Applicant

**By Advocate: Shri Praveen Kumar.**

Vs.

1. Union of India, through the Ministry of Labour & Employment, New Delhi.
2. The Chairman, Central Board of Trustees, Employees Provident Fund Organization/Central Labour & Employment Minister, Shram Shakti Bhawan, Rafi Marg, New Delhi.
3. The Central Provident Fund Commissioner, Employees Provident Fund Organization, 15, Bhikaji Cama Place, New Delhi.
4. The Regional Provident Fund Commissioner-I (Vig), Vigilance Headquarter, Employees Provident Fund

Organization, 15 NBCC Tower, Bhikaji Cama Place, New Delhi.

5. Shri Anil Pritam, Regional PF Commissioner-I, Zonal Office, Employees Provident Fund Organization, Nidhi Bhawan, Sarvodaya Nagar, Kanpur.

...Respondents

**By Advocate: Smt. Prayagmati Gupta-1.**
**Shri Niteesh Kumar- 2, 3 & 4.**

**ORDER (ORAL)**

**Per Hon'ble Mr. A. Mukhopadhaya, Member (A),**

At the very outset, learned counsel for the applicant, Shri Praveen Kumar, submitted that he would be satisfied in the present OA if the representation given by the applicant to the respondents on 25.10.2019, (Annexure A-9), is disposed of by the respondents in a time bound manner after affording the applicant an opportunity for a personal hearing in order to present his case in the light of the developments referred to in this representation. He submitted that, in the intervening period, a detailed departmental inquiry has been held in this matter following which Shri Rajeshwar Rajesh, the head of the team of which the applicant was only a member, has been exonerated of all charges of wrong doing vis a vis this entire matter. He submitted that the reports of the team of

which Shri Rajeshwar Rajesh was the head, were jointly signed by the Shri Rajeshwar Rajesh as well as other team members including the applicant. Therefore, he argued, it is reasonable to assume that where a team head, after full inquiry, stands exonerated of all charges of wrong doing, no blame can be attached to other individual members, including the present applicant, on account of the same events and transactions. He therefore, prays that the representation dated 25.10.2019, (Annexure No. A-9), of the applicant be considered first by the respondents in a time bound manner and disposed of keeping the aforementioned facts and circumstances in view, so that the applicant is saved from further harassment on this account.

2. At this, Smt. Prayagmati Gupta, learned counsel for the respondent no. 1, stated that in case the representation dated 25.10.2019, (Annexure-A-9) has to be decided, this should be done respondent no. 3, i.e. the Central Provident Fund Commissioner.

3. Looking to the aforementioned position and the limited nature of the plea made by the learned counsel for the applicant, this Original Application is being disposed of with a direction to the respondent no. 3, Central Provident Fund Commissioner to consider the

representation of the applicant dated 25.10.2019, (Annexure No. A-9), and disposed of the same by way of a reasoned and speaking order in accordance with law, within a period of three months from the date of receipt of a certified copy of this order. Before deciding the representation, the applicant shall be given an opportunity of a personal hearing. Further, the order disposing of the representation shall *inter-alia* also addressed the specific question raised in the representation that where the head of the Audit team, of which the applicant was a member only, has been exonerated and absolved of charges of any kind of wrong doing in this entire matter, and given that the actions/ report/s of the team based on which the present charge sheet, (Annexure A-4), has been given, is/are purportedly joint report/s, how the applicant, a team member, can considered to be a delinquent where the team head has been exonerated of all charges.

4. Accordingly, the Original Application is disposed of. There shall be no order on costs.

**(A. Mukhopadhaya)**
**Member (A)**

**(Ms. Manjula Das)**
**Member (J)**

JNS