

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH ALLAHABAD.

Original Application No.251 of 2003.

Monday this the 17th day of March 2003.

Hon'ble Mr. Justice R.R.K. Trivedi, V.C.

Ravi Shankar
S/o Sri Rishal Singh
R/o Shiv Shakti Nagar
Prem Vihar, Meerut.

.....Applicant.

(By Advocate: Sri R.C. Gupta)

Versus.

1. Central Provident Fund Commissioner
Ministry of Labour, Govt. of India,
New Delhi.
2. Regional Provident Fund Commissioner, U.P.
Nidhi Bhawan, Sarvodaya Nagar,
Kanpur.
3. Asstt. Provident Fund Commissioner (Admn)
Employees Provident Fund Organisation
Sub Regional Office, Meerut.
4. Sri Adesh Kumar Jain,
Regional Provident Fund Commissioner (2nd) U.P.
Nidhi Bhawan, Sarvodaya Nagar,
Kanpur.

.....Respondents.

(By Advocate: Sri N.P. Singh)

O R D E R

By this O.A., filed under section 19 of Administrative
Tribunals Act 1985, the applicant has challenged the
order dated 03.03.03 by which he has been transferred
as U.D.C in Sub Regional Office, Meerut to Sub Regional

Office Gorakhpur of Employees Provident Fund Organisation.

2. Learned counsel for the applicant submitted that the order is mala fide and has been passed against him at the instance of respondent No.4. However, it is not disputed that respondent No.4. was transferred from Meerut ^{to} Kanpur in the month of October 2002 and impugned order was passed by Respondent No.2 in March 2003 i.e., more than 5 ^{months} ~~years~~ after transfer of respondent No.4. It is not disputed that the disciplinary proceedings against the applicant are pending at Meerut which are serious in nature and his retention at Meerut may not have been found desirable considering the allegations made therein. In the circumstances, I do not find any error in the order of transfer. Learned counsel for the applicant relied on judgement of Hon'ble High Court in case of Sulekh Chandra Vs. State of U.P. and others 1999 (2) L.B.E.S.R. page 853. However, in peculiar facts of the present case, the case does not help the applicant.

3. Learned counsel for the applicant, however, submitted that Disciplinary Proceedings against the applicant are pending in Meerut. Whereas, applicant would be serving at Gorakhpur and it ^{shall} ~~would~~ be difficult for him to look after the Disciplinary Proceedings from such a long distance. For this purpose the applicant is given liberty to make application before respondent No.2 namely Regional Provident Fund Commissioner U.P. to post him at some ^{nearer to} ~~place near~~ Meerut and if the same is not possible to ensure that the applicant is granted leave and T.A. & D.A. for attending the Disciplinary Proceedings. If the

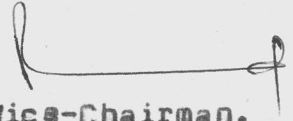


.....3/-

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application is filed alongwith copy of the order, it shall be considered within three months. Application is dismissed.

No order as to costs.



Vice-Chairman.

Manish/-