

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
ALLAHABAD BENCH,  
ALLAHABAD

REVIEW APPLICATION NO.86 OF 2006

IN

OA.No.605/2005

DATE OF ORDER: <sup>24/5</sup>16<sup>th</sup> MAY 2007

HON'BLE MR. JUSTICE KHEM KARAN, VICE CHAIRMAN

HON'BLE MR. M.JAYARAMAN, MEMBER 'A'

1. Shri Jawahar Lal, S/o Shri Baldeo,  
R/o SS-29, Rapti Nagar 1<sup>st</sup> Phase,  
Arogya Mandir, Gorakhpur, at presently  
posted as Section Supervisor,
2. Shri Kehar Singh, S/o Sri Ram Lal,  
R/o 22/5, Jagriti Bihar Meerut.
3. Shri Vishwanath Prasad, S/o Sri Phudan,  
R/o PanchvatiNagar, Bharwalia Buzurg,  
Post New Shivpuri Colony, Gorakhpur.

Applicants

By Advocate Shri Sanjay Kumar Om

Versus

1. Employees' Provident Fund Organisation,  
Head Office Bhavishya Nidhi Bhawan,  
14 Bhikaji Cama Place, New Delhi,  
Through Provident Fund Commissioner,
2. Employees' Provident Fund Organisation,  
U.P.Nidhi Bhavan, Sarvodaya Nagar, Kanpur  
Through Regional Provident Fund Commissioner,



3. The Regional Provident Fund Commission,  
U.P.Nidhi Bhavan, Sarvodaya Nagar, Kanpur
4. Shri Vijay Kumar Srivastava,  
Section Supervisor,  
Provident Fund Organisation,  
Ashok Vihar 1<sup>st</sup> Phase, Pahadiya,  
Pandeypur, Varanasi,
5. Shri Ravi Shankar,  
Section Supervisor,  
Provident Fund Organisation,  
Nidhi Bhavan, Sector 5 in front of  
Medical College, Jagriti Bihar,  
Meerut.

.. Respondents

By Advocate Shri N.P.Singh

ORDER

( By circulation )

By Mr. M.Jayaraman, Member (A)

In the Review Application filed before us, the main ground taken by the applicants here is that the respondents cannot place any reliance on the letter dated 22.4.2003 wherein the Additional Central Commissioner (H.R.), Provident Fund Organisation had clarified that SC/ST employees promoted on the basis of earlier examination limited to SC/ST candidates will not be ranked senior to the general candidates. The contention of the applicants is that the Additional Central Commissioner, Provident Fund Organisation has absolutely no jurisdiction either to issue any rules or make any amendment therein nor can he clarify the same under Section 5(D) (7) (a) of the Employees' Provident Funds


  
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and Miscellaneous Provisions Act, 1952 and it is only the Board which is empowered to do so.

2. We have duly considered the above contentions and in our view, all the issues raised by rival sides, have been taken into consideration before coming to a conclusion to dismiss the OA. We are of the view, there is no error apparent on record calling for review of the order passed. The Review Application deserves to be dismissed. If the applicants are aggrieved by the order, they are free to pursue the appellate remedies available under the Act before the competent court.

3. The Review Application is accordingly dismissed. There shall be no order as to costs.

  
(M. JAYARAMAN)  
MEMBER (ADMN.)

  
24.5.07  
(KHEM KARAN, J)  
VICE CHAIRMAN