

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O. A. NO. 260/00756 of 2014
Cuttack the 30th day of October, 2014

CORAM

HON'BLE MR. A.K. PATNAIK, MEMBER (J)
HON'BLE MR. R. C. MISRA, MEMBER (A)

Sri Potta Srinivas,
aged about 37 years,
S/o. Sri P.S. Demullu,
Door No.18-180,
Near Prakash School,
Pedagadila, Visakhapatnam,
Andhra Pradesh, Pin-530040,
At present working as Data Processing Assistant
(DPA) E.P.F.O., Sub-Regional Office,
Near Payal Talkies, New Bus Stand Road,
Berhampur, Dist-Ganjam, Odisha.

...Applicant

(Advocates: M/s-K.C. Kanungo, C. Padhi)

VERSUS

Union of India Represented through

1. Central Provident Fund Commissioner,
Bhavishya Nidhi Bhawan,
14, Bhikaji Cama Place,
New Delhi-110 066.
2. Additional Central Provident Fund Commissioner(AP&OR),
34763, Bhavishyanidhi Bhawan,
Barkatpura Chaman,
Hyderabad, Telangana-500027.
3. Regional Provident Fund Commissioner,
Employees' Provident Fund Organisation,
Regional Office, Bhavishyanidhi Bhawan,
Unit-9, Janpath, Bhubaneswar-751022,
Dist-Khurda, Odisha.

... Respondents

(Advocate: Mr.S.S. Mohanty)

W. Alles

ORDER(oral)

A.K. PATNAIK, MEMBER (J)

Heard Shri K.C. Kanungo, learned counsel appearing for the applicant, and Shri S. S. Mohanty, learned Counsel appearing for the Respondents and perused the record.

2. The facts of the matter are that applicant while working as Data Processing Assistant (DPA), E.P.F.O, Sub Regional Office, Berhampur, Odisha, on 05.01.2012 Respondent No.3 served a Memo on him asking him to explain as to why he had not attended the office on Saturday, thus, thereby he violated the orders of the authority. In response thereto this, on 10.01.2012 applicant submitted his explanation denying the allegations. Thereafter, on 12.09.2012 minor penalty proceedings were initiated against the applicant by Respondent No.3. The applicant submitted his representation on 14.01.2013 in response to charge sheet issued by Respondent No.3 whereupon the latter being the Disciplinary Authority imposed penalty of "withholding four increments without cumulative effect" on the applicant vide order dated 26.03.2013 (Annexure-A/5). Being aggrieved, the applicant preferred an Appeal dated 11.04.2013 (Annexure-A/6) to the Appellate Authority. While the matter stood thus, applicant submitted Petition dated 12.05.2014 (Annexure-A/7) to the Revisionary Authority (Respondent No.1), and having received no response, he has moved this Tribunal in the present O.A. with the following relief(s):-

"...To quash the charge sheet under Annexure-A/3, to quash the order of penalty vide Annexure-A/5 and to direct the Respondent to refund the deducted increments so far with interest and other consequential benefits for the ends of justice."



3. On being pointed out, Shri Mohanty stated that he did not have the immediate instruction regarding the fate of the appeal or the revision petition.

4. Having considered the submissions made by Ld. Counsel for the parties, we are of the view that since the matter is pending with the authorities, at this stage, without entering into the merit of the matter, this O.A. can be disposed of with direction to direct Respondent Nos.2 and 1 to consider and dispose of the appeal/revision petition vide Annexure-A/6 and Annexure-A/7 and communicate a decision thereon to the applicant through a reasoned and speaking order within a period of 45 days from the date of receipt of this order. **Ordered accordingly.**

5. With the above observation and direction this O.A. stands disposed of at the stage of admission itself. No costs.

6. As agreed to by Ld. Counsel appearing for both the sides, copy of this order along with copy of this O.A. be sent to Respondent Nos.1 & 2 by speed post at the cost of the applicant for which Shri Kanungo, learned counsel appearing for the applicant, undertakes to deposit the postal requites by 02.11.2014. Free copy of the order be made over to Ld. Counsel appearing for both the sides.



(R.C.MISRA)
MEMBER (A)



(A.K.PATNAIK)
MEMBER(J)