

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A. NO. 520 OF 2011

Tuesday, this the 8th day of November, 2011

CORAM:

**HON'BLE Mr.JUSTICE P.R.RAMAN, JUDICIAL MEMBER
HON'BLE Mr. K.GEORGE JOSEPH, ADMINISTRATIVE MEMBER**

S.Govindan
Assistant Provident Fund Commissioner
Sub Regional Provident Fund Office
Kochi ... **Applicant**

(By Advocate Mr. Vellayani Sundara Raju)

versus

1. Union of India represented by
Secretary to Government
Ministry of Labour & Employment
New Delhi
2. The Central Provident Fund Commissioner
Bhavishya Nidhi Bhavan
14 Bhikaji Cama Palace
New Delhi
3. The Regional Provident Fund Commissioner
Bhavishya Nidhi Bhavan
Pattom, Thiruvananthapuram
4. The Assistant Provident Fund Commissioner(Admn)
Sub Regional Office
Kochi ... **Respondents**
5. The Regional Provident Fund Commissioner
Sub Regional Office
Kochi

(By Advocate Mr. George Joseph, ACGSC (R-1)
Advocate Mr.N.N.Sugunapalan, Senior
Advocate Mr.S.Sujin (R2-5))

The application having been heard on 08.11.2011, the Tribunal on the same day delivered the following:

ORDER

HON'BLE Mr.JUSTICE P.R.RAMAN, JUDICIAL MEMBER

The Applicant is aggrieved by office note dated 19.05.2011, Annexure A-1 produced in this case. According to him, along with 45

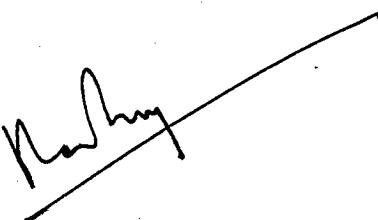
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others he was also promoted as Assistant Provident Fund Commissioner in the pre revised pay scale of ₹ 8000-275-13500 on ad-hoc basis and transferred and posted to Madurai Regional office vide Annexure A-2. He assumed charge in the promoted post. Meanwhile the department has implemented the 6th Central Pay Commission recommendations. He opted for fixing his pay in the promoted post in the Pay Band III after accruing the increment in the post of Enforcement Officer / Accounts Officer on 01.07.2007 in view of the clarification of the Ministry of Finance dated 13.09.2008. The said clarification is produced as Annexure A-3. His salary was refixed and the same was recorded in the Service Book also as evident from Annexure A-4. It appears that subsequently the Department has changed their opinion in the case of fixation of pay which led to dispute which is to be resolved in this OA

2. In para 13 of the reply statement, Respondents have stated that the Applicant has been promoted to the post of Assistant Provident Fund Commissioner on regular basis vide Annexure R-2 and thus the applicant has now become eligible to exercise his option for fixation of his pay on the cadre of Assistant Provident Fund Commissioner and the relief sought in the OA has been granted to the applicant. The applicant being satisfied by the said relief already granted as admitted to in the reply statement, the OA has become infructuous. OA is dismissed as infructuous. No costs.

Dated, the 8th November, 2011.


K GEORGE JOSEPH
ADMINISTRATIVE MEMBER
vs


JUSTICE P.R.RAMAN
JUDICIAL MEMBER