

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH



O.A.NO.517/2002 and O.A.544/2002

Thursday, this the 30th day of September, 2004.

CORAM:

HON'BLE MR A.V.HARIDASAN, VICE CHAIRMAN

HON'BLE MR H.P.DAS, ADMINISTRATIVE MEMBER

O.A.517/2002

M.P.Sivasankara Pillai,
Section Supervisor,
Employees Provident Fund Organisation,
Regional Office, Pattom,
Thiruvananthapuram.

- Applicant

By Advocate Mr Vellayani Sundara Raju

Vs

1. Union of India represented by
Secretary to Government,
Ministry of Labour,
New Delhi.
2. The Regional Provident Fund Commissioner-I,
Employees' Provident Fund Organisation,
Regional Office, Pattom,
Thiruvananthapuram.
3. P.Sudhakar Babu,
Regional Provident Fund Commissioner,
Karnataka Region,
Bhavishya Nidhi Bhavan,
No.13, Rajaram Mohan Roy Road,
P.B.No.2584, Bangalore-560 025.
4. The Central Provident Fund Commissioner,
Bhavishya Nidhi Bhavan,
Bhikaji Cama Place,
New Delhi.
5. The Inquiring Authority,
Bhavishya Nidhi Bhavan,
No.13, Rajaram Mohan Roy Road,
P.B.No.2584, Bangalore-560 025. - Respondents

By Advocate Mr N.N.Sugunapalan(Rs.2, 4 & 5)

O.A.544/2002

S.J.Prabhakar,
Lower Division Clerk,
Employees Provident Fund Organisation,
Regional Office,
Pattom, Thiruvananthapuram. - Applicant

By Advocate Mr Vellayani Sundara Raju

Vs

1. Union of India represented by
Secretary to Government,
Ministry of Labour,
New Delhi.
2. The Regional Provident Fund Commissioner(I),
Regional Office, Pattom,
Thiruvananthapuram.
3. The Central Provident Fund Commissioner,
Bavishya Nidhi Bhavan,
Bhikaji Cama Place,
New Delhi.
4. P.Sudhakar Babu,
RPFC Karnataka Region,
Bavishya Nidhi Bhavan,
No.13, Rajaram Mohan Roy Road,
P.B.No.2584,
Bangalore-560 025.
5. The Enquiry Authority,
Bavishya Nidhi Bhavan,
No.13, Rajaram Mohan Roy Road,
P.B.No.2584,
Bangalore-560 025.

- Respondents

By Advocate Mr N.N.Sugunapalan (R.2 & 3)

The application having been heard on 30.9.2004, the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR A.V.HARIDASAN, VICE CHAIRMAN

Both these applications have similar background and facts. Hence they are being disposed of by this common order.

2. The applicant in O.A.517/2002 sought to set aside A-10 and A-11 charge memo and A-22 preliminary enquiry notice declaring that A-10 and A-11 were issued by the 3rd respondent with malafide intention to tarnish the image of the applicant to wreck vengeance on him and for a direction to the respondents to keep in abeyance the disciplinary proceedings against him till the disposal of A-16 Bias Petition.
3. The respondents have filed a detailed reply statement in which it has been inter-alia indicated that the Bias Petition has already been disposed of.
4. The applicant Shri S.J.Prabhakar in O.A.544/2002 has also sought for quashing of A-1 to A-5, for that there is no provision in any disciplinary proceedings either in the CCS(Conduct) Rules 1964 or in the EPF Staff (Classification, Control and Appeal) Rules 1971 for more than one preliminary hearing and for a direction to the 2nd and 4th respondents to dispose of A-12 Bias Petition before proceeding further with the enquiry.
5. The respondents have filed a reply statement inter-alia contending that the Bias Petition has been considered and order R1(a) issued.
6. When the application was taken up for final hearing, the counsel on either side submitted that similar case I.A.380/2002 was disposed of on consent of parties directing the respondents to dispose of the Bias Petition in 15 days and

to pass final order in disciplinary proceedings within four months and therefore this O.A. may also be disposed of in that manner.

7. Since the respondents have contended that the Bias Petition had already been considered and order issued, the learned counsel for the respondents submitted that the 2nd respondent may be directed to reconsider the Bias Petition, A-16 in O.A.517/2002 and A-12 in O.A.544/2002 within 2 weeks and pass appropriate orders and then pass final order in the disciplinary proceeding within four months from the date of receipt thereof.

8. In the result, these two applications are disposed of directing the 2nd respondent in these two cases to reconsider and dispose of A-16 Bias Petition in O.A.517/2002 and A-12 Bias Petition in O.A.544/2002 within two weeks from the date of receipt of copy of this order and to hold and complete disciplinary proceedings by passing final orders within a period of four months thereafter. There is no order as to costs.

Dated, the 30th September, 2004.

Sd/-
H.P. DAS
ADMINISTRATIVE MEMBER

Sd/-
A.V. HARIDASAN
VICE CHAIRMAN

trs