

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA 600/99

Friday the 4th day of June 1999.

CORAM

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

K. Aravindan
S/o Madhavankutty Nair
Enforcement Officer
Employees Provident Fund
Palakkad.

...Applicant.

(By advocate Mr P. Ramakrishnan)

Versus

1. Regional Provident Fund Commissioner (I)
Employees Provident Fund Organisation
Regional Office, Bhavishya Nidhi Bhavan
Pattom, Thiruvananthapuram.

2. The Regional Provident Fund Commissioner
Employees Provident Fund Organisation
Sub Regional Office, Calicut-6.

3. Smt V.H.Chandramathy
Assistant Accounts Officer
Employees Provident Fund
Sub Regional Office, Kochi.

...Respondents.

(By advocate Mr N.N.Sugunapalan (R1-2)

The application having been heard on 4th June 1999,
the Tribunal on the same day delivered the following:

O R D E R

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

The grievance of the applicant, Enforcement Officer,
Employees Provident Fund, Palakkad is that while as per
Annexure A-2 order of transfer dated 3.5.99 the applicant
was to be relieved only on third respondent taking over
charge from him, the second respondent has issued Annexure A-3
order on 28.5.99 relieving the applicant of his duties from
Palakkad with effect from the afternoon of 31.5.99 before the
third respondent took over charge. This order, according to
the applicant, is in contravention of the directions contained
in A-2 order issued by the first respondent and is, therefore,
unsustainable. Therefore, the applicant has filed this
application for quashing A-3 order as it is arbitrary and

illegal and for a direction to the second respondent to retain him at Palakkad for the minimum time required to submit his inspection reports.

2. When the application came up for hearing on admission on 1.6.99, as the Standing Counsel for the respondents sought some time to get instructions and to make a statement, an interim order was issued staying the relief of the applicant as also the third respondent. Today, on behalf of the respondents, MA 506/99 has been moved praying that the interim order be vacated. It has been stated that Smt Chandramathy - the third respondent - who had requested for time to be relieved till 1st June 1999, though was ordered to be relieved with effect from the afternoon of 1.6.99, on receipt of the interim order from the Tribunal, the relief has been kept in abeyance. It has been stated that in view of the administrative exigencies, it is necessary to seek vacation of the interim order. The parties agree that the OA itself may be disposed of.

3. I have heard learned counsel on either side. The only grievance of the applicant is that he has been relieved before the third respondent has taken over charge which is against the directions contained in the order of transfer issued by the first respondent. This is not disputed by the respondents. However, learned counsel for the respondents stated that the respondents would recall A-3 order and relieve the applicant only after the third respondent takes over charge at Palakkad. I am of the considered view that no further grievance of the applicant would survive as the applicant has conceded that he has no grievance against A-2 order and would abide by it. Therefore, the application can now be disposed of as the respondents themselves have agreed to recall A-3 order and to relieve the applicant only when the third respondent takes

over charge at Palakkad. Learned counsel of the applicant stated that there are certain pending work which the applicant has to complete at Palakkad and, therefore, the applicant may be permitted to make a representation to the first respondent for allowing him to complete the work. It is open for the applicant to make any such representation and if such a representation is made, I expect the first respondent to consider it and to pass appropriate orders.

4. In the result, as the grievance of the applicant has now been redressed as he would be relieved only on the third respondent joining at Palakkad, the OA is disposed of noting that undertaking without any further directions.

Dated 4th June 1999.



A. V. HARIDASAN
VICE CHAIRMAN

aa.

Annexures referred to in this order:

A-2: True copy of office order No. 88/99 dated 3.5.99 issued by the first respondent.
A-3: True copy of office order No. 35/99 issued by the second respondent dated 28.5.99.