

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.NO.351/2002

Monday, this the 27th day of May, 2002.

CORAM;

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

HON'BLE MR T.N.T.NAYAR, ADMINISTRATIVE MEMBER

B.Dhanalakshmi Amma,
Section Supervisor,
Sub Regional Office of the
Employees ProvidentFund,
Kottayam.

- Applicant

By Advocate Mr KG Bhaskaran

Vs

1. The Regional Provident Fund Commissioner I,
Regional Office,
Bhavishyanidhi Bhavan,
Pattom, Trivandrum-695 004.

2. Union of India represented by
Secretary to Government,
Ministry of Labour,
New Delhi.

3. N.A.Sebastian,
Section Supervisor EDP,
Regional Provident Fund Office,
Bhavishyanidhi Bhavan,
Pattom,
Trivandrum-4.

- Respondents

By Advocate

The application having been heard on 27.5.2002 the Tribunal on
the same day delivered the following:

O R D E R

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

The applicant, a Section Supervisor, Sub Regional
Office of the Employees Provident Fund, Kottayam, has filed
this application for the following relief:

i) Since there is no substance in the allegation levelled against the applicant as per Annexure-AI and A-III charge Memos, the same may be liable to be quashed.

ii) Since the departmental enquiry is prolonged indefinitely the enquiry is vitiated. As such the entire disciplinary action proceedings initiated pursuant to Annexure-AI and A-III memos may be quashed.

iii) Order issued by the 1st respondent on 15.5.02 No.KR/Admn/1(3)EDPs/2002 office order No.107/2002 is illegal and the same is liable to be quashed.

iv) As the applicant was placed in the 1st rank in the aptitude test a direction may be issued to 1st respondent to post the applicant in EDP Centre, Trivandrum on deputation as EDP Supervisor.

v) To declare that the denial of deputation to the applicant as EDP Supervisor, on the basis of a baseless complaint and subsequent disciplinary action is illegal and unjustified.

2. We have heard the learned counsel for the applicant and have gone through the entire material placed record. The impugned orders are challenged mainly on the ground that the memorandum Annexure-AI as also the charge sheet Annexure-AIII

✓

have been issued without factual basis as also that the matter is being prolonged indefinitely. Merely because the disciplinary proceedings initiated in the year 1999 is continuing now, the same cannot be quashed unless it is established that the prolongation was a colourable exercise of power. There is no allegation even in that regard. The self serving statement of the applicant that Annexures-AI and AIII have no factual basis is no ground for setting aside these Memos. The applicant is free to establish her innocence in the proceedings. Further, the claim of the applicant that the 3rd respondent should have sent him on deputation as EDP Section Supervisor on the ground that the applicant had got 1st rank in the aptitude test is also not tenable because, the competent authority has decided not to appoint the applicant on the post of EDP Section Supervisor during the pendency of the disciplinary proceedings initiated against the applicant. We do not find any reason for interference. The application is rejected under Section 19⁽²⁾ of the Administrative Tribunals Act.

Dated, the 27th May, 2002


T.N.T. NAYAR
ADMINISTRATIVE MEMBER


A.V. HARIDASAN
VICE ~~CHAIRMAN~~

trs

A P P E N D I X

Applicant's Annexures:

1. A-I: True copy of Memo No.KR/PF/AC/98 dated 14th October 1998 issued to Applicant.
2. A-II: True copy of Explanation dated 26.5.99 by the applicant.
3. A-III: True copy of 1st respondent's Memo No.KR/R.C's Sectt./Vig./101/99/529 dt.29.9.99.
4. A-IV: True copy of Order dt.25.2.2000 No.KR/RC's Sectt. Vig(101)/2000 from the 1st respondent.
5. A-V: True copy of order No.KR/RC's Sectt. Vig(101)/2000 dt.24.3.2000 from the 1st respondent.
6. A-VI: True copy of notice dated 22.12.2000 No.Enquiry/B.D 2000 issued by the 1st respondent.
7. A-VII: True copy of Enquiry proceedings.
8. A-VIII: True copy of written statement dated 15.11.2001 by applicant.
9. A-IX: True copy of the Argument Note from the presenting officer.
10. A-X: True copy of the reply dt.4.2.02 by the applicant.
11. A-IX: True copy of the Circular No.KR/Adm.I(3)/EDP Supervisor/2000 dt.1.3.2002 from the 1st respondent.
12. A-XII: True copy of the Proceedings dt.3.5.2002, No.KR/KTM/Adm.I(1)/2002 from the Sub Regional P F Commissioner, Kottayam.
13. A-XIII: True copy of Circular No.KR/Adm.I(3)/2002/400(C) dated 10.5.02 from the 1st respondent.
14. A-XIV: True copy of extract of Register.

npp
3.6.02