

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.No.380/02

Tuesday this the 27th day of July 2004

C O R A M :

HON'BLE MR. A.V.HARIDASAN, VICE CHAIRMAN
HON'BLE MR. H.P.DAS, ADMINISTRATIVE MEMBER

V.A.Mathew,
Upper Division Clerk,
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,
New Delhi.
2. The Regional Provident
Fund Commissioner - I,
Kerala, Bhavishya Nidhi Bhavan,
Pattom, Thiruvananthapuram - 1.
3. P.Sudhakar Babu,
Regional Provident Fund
Commissioner, Karnataka.
(then RPFC - I Kerala)
Bhavishya Nidhi Bhavan,
Rajaram Mohan Roy Road,
P.B.No.2584,
Bangalore - 560 025.
4. The Central Provident
Fund Commissioner,
Bhavishya Nidhi Road,
Bhikhaji Palace,
New Delhi.

Respondents

(By Advocate Mr.N.N.Sugunapalan [R2 & 4])

This application having been heard on 27th July 2004 the
Tribunal on the same day delivered the following :

O R D E R

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

The applicant, Upper Division Clerk in the Sub-Regional
Provident Fund Office, Kochi, has filed this application for the
following reliefs :

1. to quash Annexures A-1 to A-3.

2. to issue necessary order or direction to respondents declaring that A-1 to A-3 were issued to the malafide intention of the 3rd respondent in his capacity as 2nd respondent to harass the applicant unnecessarily on wrecking personal vengeance and that were issued belatedly by flouting all statutory rules on conducting of Disciplinary Proceedings and with ulterior motives.
3. to order that the charges levelled against the applicant are pertaining to a particular general issue and hence to be inquired into through a single proceedings in accordance with law and natural justice.
4. to issue necessary order or direction to respondents declaring that non disposal of Annexure A-21 Bias Petition vitiate the entire disciplinary proceedings initiated against the applicant and it is done by the 3rd respondent only to harass the applicant mentally, physically and financially.
5. to issue any other further order or direction this Hon'ble Tribunal may deem fit on the facts and circumstances of the case.
6. to allow costs to these proceedings

2. It is alleged in the application that although the Memorandum of Charges were issued on 11.1.2000 apart from holding a preliminary enquiry, the enquiry has not progressed further, that a Bias Petition (Annexure A-21) filed by the applicant before the 2nd respondent has not been considered and disposed of so far and that the pendency of the Disciplinary Proceedings which according to the applicant was initiated malafide is causing much difficulty and undue hardship to the applicant.

3. The respondents have filed a reply statement. When the matter came up for final hearing today it is not disputed by learned counsel on either side that the Disciplinary Proceedings is still pending and that the Bias Petition filed by the applicant has not been considered and disposed of. Under these circumstances the learned counsel on either side agree that this application may be disposed of directing the 2nd respondent to dispose of Annexure A-21 Bias Petition forthwith and further directing the 2nd respondent to have the enquiry held and

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completed by issuing a final order within a reasonable time.

3. In the light of the above submissions made by the learned counsel on either side and in the interest^s of justice, we direct the 2nd respondent to consider the Bias Petition (Annexure A-21) filed by the applicant and to dispose it of with a speaking order within two weeks from today and further direct the 2nd respondent to have ^Aenquiry held and completed and to issue a final order in the proceedings within a period of four months from the date of disposal of the Bias Petition. There is no order as to costs.

(Dated the 27th day of July 2004).

H. P. Das

H.P.DAS
ADMINISTRATIVE MEMBER

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A.V. HARIDASAN
VICE CHAIRMAN