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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
NEW BOMBAY BENCH, NEW BOMBAY.

O.A.No. 355                      198 7  
T.A.No. -                      198 -  
Application Stamp No.502 of                      1987.

DATE OF DECISION 21.8.1987

Employees' Provident Fund Staff  
Union ( Maharashtra & Goa ) Applicant/s.

Bombay-51

Mr.J.M.Chodankar

Advocate for the Applicant/s.

Versus

Regional Provident Fund Respondent/s.  
Commissioner, Bombay-51 & Another

Mr. V.S.Masurkar

Advocate for the Respondent(s).

CORAM:

The Hon'ble Member(A) Shri J.G.Rajadhyaksha  
The Hon'ble Member(J) Shri M.B.Mujumdar

1. Whether Reporters of local newspapers may be allowed to see the Judgment? Yes
2. To be referred to the Reporter or not ? No
3. Whether to be circulated to all Benches? No

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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
NEW BOMBAY BENCH

ORIGINAL APPLICATION NO. 555 OF 1987.

Application Stamp No. 502/87

Employees' Provident Fund Staff  
Union (Maharashtra & Goa),  
Bhavishya Nidhi Bhavan,  
341, Bandra (East),  
Bombay-400-051

...

Applicant

V/s

1. Regional Provident Fund Commissioner,  
(Maharashtra & Goa),  
Bhavishya Nidhi Bhavan,  
341, Bandra (East),  
Bombay-400-051.

2. Central Provident Fund Commissioner,  
9th Floor, Mayur Bhawan,  
Cannaught Circus,  
New Delhi.

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Respondents.

Coram: Hon'ble Member (A) Shri J.G. Rajadhyaksha  
Hon'ble Member (J) Shri M.B. Mujumdar

Appearances:

1. Mr. J.M. Chodankar, Advocate  
for the Applicant.
2. Mr. V.S. Masurkar, Advocate  
for the Respondents.

ORAL JUDGEMENT

Dated: 21.8.1987

(Per Shri M.B. Mujumdar).

The respondents have filed their reply today. A copy of the same is given to the applicant's advocate.

2. This application is filed by the Employees' Provident Fund Staff Union (Maharashtra & Goa) through one of its Committee Members Mr. Prakash P. Naik. By a circular dated 16.7.87 (which is at page 12 of the application) a Departmental Examination for promotion to posts of L.D.C. (35% quota) is to be held on 10th and 11th of September, 1987. Clause 2 of the circular reads as follows:

"Class IV employees and class III employees whose scale of pay is less than that of scale of LDC are eligible for the said examination subject to the following conditions:

- (a) Minimum educational qualification required S.S.C. or equivalent examination passed.

(b) Non S.S.C/non qualified officials appointed before 7-11-1981 and have completed 5 years of service as on 1.1.1987.

(c) Those who have already availed of three chances are not eligible. Those who have availed of three chances prior to 7-11-1981, can avail of one more chance."

3. According to Clause(III) the last date for submitting application forms is 27.7.1987. By another circular dated 3.8.87 (at page 11 of the application), clauses (b) & (c) of para (2) of the circular dated 16.7.87 are removed and the following paragraph has been inserted in its place:

" Non-Matriculate Candidates are not eligible. As per amendment to EPF (Staff & Conditions of service) Regulations 1962 published in Gazette of India. Part -III, Section - 4 on 30.5.87, the Class-III employees whose scale of pay is lower than that of Lower Division Clerk and Class-IV employees who possess the minimum Educational qualification of Matriculation or equivalent are eligible for departmental examination to the post of LDC (35% quota)".

By Clause (ii), the limitation of 3 chances for LDC Examination is removed and by clause (iii), the last date for submitting the application forms is extended up-to 10.8.1987.

4. The applicant has challenged the amendments made by the circular dated 3.8.87 because it takes away the chances of those who are not matriculates to appear for the departmental examination for promotion to the post of LDC (35% quota).

5. Mr.Chodankar for the applicant has submitted that by the said amendments, the applicants are suffering ~~harm~~ because those who are not matriculates cannot appear for the departmental examination. But, in our opinion, the challenge is misconceived. The Respondents have produced a copy of the notification dated 18.5.87 which is published in the Gazette of India, Part III, Section 4 dated 30.5.87. By the said notification, certain amendments are made by the Central Board of EPF with the approval the Central Govt. in the Employees Provident Fund (Staff and Conditions of Service) Regulations, 1962. It is not necessary to quote the provisions

of the said notification. But, it is sufficient to point out that the amendments made by the circular dated 3.8.1987 in the circular dated 16.7.1987 are consistent with the provisions of the said notification. The said notification is not challenged before us on any ground. We, therefore, feel that the application is misconceived and is liable to be rejected.

6. In the result we reject the application summarily under section 19(3) of the Administrative Tribunals Act, 1985 with no order as to costs. The applicant will, however, be at liberty to file a fresh application if he so wants for challenging the provisions of the Notification dated 18.5.1987.

(J.G. Rajadhyaksha)  
Member(A)

( M.B. Mujumdar )  
Member (J).