

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW BOMBAY BENCH

O.A. No. 372/87 & 396/87 198
Shri A.L. Tanksale

DATE OF DECISION 2/3/1988

Shri A.L. Tanksale & Shri Vinayak Mahadeo Petitioner
Rokade.

Shri V.A. Gokhale

Advocate for the Petitioner(s)

Versus

Union of India.

Respondent

Shri V.S. Masurkar.

Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. J.G. RAJADHYAKSHA, MEMBER(A)

The Hon'ble Mr. M.B. MUJUNDAR, MEMBER(J)

1. Whether Reporters of local papers may be allowed to see the Judgement? Yes

2. To be referred to the Reporter or not? No

3. Whether their Lordships wish to see the fair copy of the Judgement? No

4. Whether it needs to be circulated to other Benches of the Tribunal? No

(9)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH, NEW BOMBAY

O.A.372/87 & O.A.396/87

Shri A.L. Tanksale,
163/C, Om-Sat Nivas,
Dr. Ambedkar Road,
Dadar,
BOMBAY - 400 014.

.. Applicant in
O.A.No.372/87

Shri Vinayak Mahadeo Rokade,
Sahakar Sadan,
Hanuman Nagar,
Pratap Nagar Road,
Bhandup,
Bombay - 400 078.

.. Applicant in
O.A.No.396/87

v/s.

1. Union of India.

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

3. The Central Provident Fund
Commissioner,
9th Floor, Mayur Bhavan,
Cannaught Circus,
New Delhi - 110 001.

.. Respondents in both
the cases.

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

Appearances :

1. Shri V.A. Gokhale
Advocate for the
Applicant in
O.A.No.372/87

2. Shri V.S. Masurkar,
Advocate for the
Respondents.

ORAL JUDGMENT

Date: 2-3-1988

(PER: M.B. Mujumdar, Member(J))

1. By this order we are disposing of O.A.No.372/87 and
O.A.No.396/87. In both the cases the applicants have challenged the
common order passed by the Regional Provident Fund Commissioner,
Maharashtra on 11/14-10-1985. The applicants had preferred separate

appeals against this order. But before the appeals were decided they filed the present applications under Section 19 of the Administrative Tribunals Act.

2. By way of interim relief we had stayed further recoveries from the applicants in pursuance of the said orders. We had also directed the respondents to see that the appeals were decided expeditiously.

3. Now the respondents have produced copies of the orders passed by the Appellate Authority. By the said orders the impugned order dtd. 11/14th October, 1985 is set aside with a direction that the applicants may be proceeded with afresh in accordance with the provisions of the Employees' Provident Fund Staff (Classification, Control and Appeal) Rules, 1971, as applicable to them.

4. In view of the above orders passed by the Appellate Authority we find that the present applications do not survive. A fresh enquiry is directed to be held against the applicants and if the result of the inquiry goes against them they can very well come to this Tribunal again after exhausting all the departmental remedies available to them.

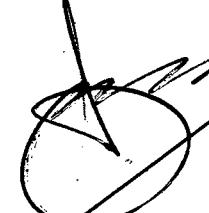
5. We find that some recoveries had been made before we passed the interim orders. These amounts of recoveries shall have to be refunded to the applicants. Mr. V. Masurkar, learned advocate for the respondents in both the cases stated that the respondents may be given some time for refunding the amounts recovered from them in pursuance of the impugned order which is set aside by the Appellate Authority.

6. We, therefore, direct that the respondents shall refund the amounts recovered from the applicants in pursuance of the impugned order dtd. 11/14th October, 1985 passed by the Regional Provident Fund Commissioner, Maharashtra within six weeks from today.

(9)

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7. With direction both applications are disposed of with
no orders as to costs.


(J.G. RAJADHYAKSHA)
MEMBER(A)


(M.B. MAJUMDAR)
MEMBER(C)