

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALOREBENCH : BANGALORE

DATED THIS THE 31ST OCTOBER 1986.

PRESENT :

Hon'ble Mr. Justice K.S.Puttaswamy .. Vice Chairman
And
Hon'ble Mr.L.H.A.Rego Member (A).

APPLICATION NUMBER 1790 OF 86.

Sri.S.Purushothamrao,
Aged 52 years, Enforcement
Officer, Now Working as B.A.O.
In S.R.O., Mangalore.
(By Sri.C.R.Patil, Advocate) Applicant.

1. The Regional Provident Fund
Commissioner-II,
Ashirwad Building,
G.H.S.Road,
Mangalore.
2. The Union Of India,
by the Commissioner for
Provident Fund, New Delhi. Respondents.

This application coming on for hearing this
day, Vice-Chairman made the following :

O R D E R

In this application made under Sec 19 of the
Administrative Tribunals Act 1985 (ACT), the
application has challenged memorandum dated
6.3.86 (Exhibit 'A') of the Regional Provident
Fund Commissioner II, Mangalore (Commissioner)
initiating disciplinary proceedings under the
Employees Provident Fund Staff (Classification
Control and Appeal) Rules of 1971 (the ~~rule~~)
on the charges and statement of imputations
detailed ~~herein~~. In answer to them, applicant
has filed his written statement before the auth-
ority which is still to be examined and decided
by him. But even before that, the applicant

has rushed to this Tribunal challenging the very initiation on the ground that the organisation was an 'industry' within the meaning of that term occurring in the Industrial Disputes Act of 1947 and the dispute if any can only be adjudicated by the authorities constituted under that Act and not by the Commission under the Rules.

2. Sri C.R.Patil, learned counsel for the applicant contends that the initiation of the proceeding is wholly without jurisdiction of the Commissioner and calls for nullification at the very threshold stage. In support of his contention Sri Patil strongly relies on the ruling of the Supreme Court in REGIONAL PROVIDENT FUND COMMISSIONER KARNATAKA v. WORKMEN REPRESENTED BY GENERAL SECRETARY KARNATAKA PROVIDENT FUND EMPLOYEES UNION AND ANOTHER (AIR 1984 SC 1897).

3. On the very terms of articles of charge as also in law, it is open to the applicant to urge every one of the grounds urged in this very application and also other grounds that are available to him which the authority is bound to examine and decide every one of them, one way or the other. Any adverse decision to be rendered by the Commissioner can also be challenged in an appeal under the Rules before the appellate authority, which also is bound to examine and decide them one way or the other. But, before these authorities decide on all of them, there is no justification for this Tribunal to interfere with the initiation of the proceedings. We are of the view that this is not the proper stage for us to interfere on any of the grounds urged in this application. We, therefore, reject this application at the admission stage without notice to the respondents.

Mr. D. M. Dhermi
VICE-CHAIRMAN

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MEMBER (A)