

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR**

**ORIGINAL APPLICATION NO.291/00400/2014 WITH MA
NO.291/00331/2014**

Date of Order: 1.4.2016

CORAM

**Hon'ble Dr. K.B.Suresh, Judicial Member
Hon'ble Ms. Meenakshi Hooja, Administrative Member**

Nand Ram Meena S/o Shri Shri Lal, aged about 44 years, working as Regional Provident Fund Commissioner, Grade-II, Resident of 250/42, Pratap Enclave, Pratap Nagar, Jaipur-302017.

.....Applicant

(By Advocate Mr. S.K.Bhargava)

VERSUS

1. Central Board of Trustees, EPFO through the Central Provident Fund Commissioner and Secretary, Employees' Provident Fund Organisation, 14, Bheekaji Cama Place, New Delhi-110066.
2. Chairman, Central Board of Trustees, Employees' Provident Fund Organisation, 14, Bheekaji Cama Place, New Delhi-110066.
3. Central Provident Fund Commissioner, Employees' Provident Fund Organisation, 14, Bheekaji Cama Place, New Delhi-110066.

.....Respondents

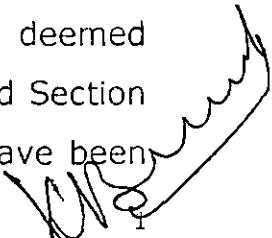
(By Mr. Amit Mathur, Proxy Counsel)

ORDER

(Per Dr. K.B.Suresh, Judicial Member)

Heard.

Applicant filed OA seeking a distinction between "suspension" and words "deemed suspension" vide order Annexure A/1. This matter has been considered by this Bench in OA No.366/2013 dated 20.9.2013 and has upheld the suspension. Now the deemed suspension or so following the charges of Section 120-B and Section 7 of P.C. Act, 1988 has been challenged and the matters have been



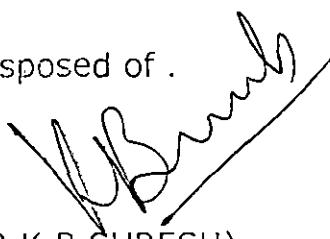
taken in OA No.291/00101/2014 order on which has been passed dated 29.5.2014 also.

2. It appears from the Ann.A/3 that the suspension order A/1 has already been approved by the Secretary Labour & Employment who is the Chairman of Central Board of Trustees. The question put up by the applicant is that the deemed suspension cannot be made by the competent authority and that the Central Board is the Appointing authority under Section 5D of the EPF and MP Act, 1952.

3. The matter is not essential for consideration. The order can be passed by an authority subordinate to the appointing authority and after passing of the order the subordinate authority is merely required to inform the Appointing authority about the suspension and get his approval. In view of the situation even the concerned authority have to exercise the power to pass the order of suspension. It is the undisputed right and responsibility of the leader in the field to take immediate remedial action and, therefore, the suspension order was rightly upheld and the process was equalized as the period was held to be under deemed suspension. The OA has no merit and, therefore, OA is dismissed without cost.

4. With these directions the OA as well as MA are disposed of.


(MS.MEENAKSHI HOOJA)
ADMINISTRATIVE MEMBER


(DR.K.B.SURESH)
JUDICIAL MEMBER

Adm/