

**CENTRAL ADMINISTRATIVE TRIBUNAL  
JAIPUR BENCH, JAIPUR**

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**ORDER SHEET**

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ORDERS OF THE TRIBUNAL


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9.1.2009

OA 136/2007

Mr.N.K.Singhal, counsel for applicant.  
Mr.Amit Mathur, proxy counsel for  
Mr.R.B.Mathur, counsel for respondents No.1&2.  
Mr.Anupam Agarwal, counsel for respondent No.3.

Hearned counsel for the parties. The OA stands disposed of, at admission stage itself, by a separate order.

  
(B.L.KHATRI)  
MEMBER (A)

  
(M.L.CHAUHAN)  
MEMBER (J)

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
JAIPUR BENCH, JAIPUR.

*Jaipur, the 9<sup>th</sup> day of January, 2009*

**ORIGINAL APPLICATION NO.136/2007**

CORAM :

HON'BLE MR.M.L.CHAUHAN, JUDICIAL MEMBER  
HON'BLE MR.B.L.KHATRI, ADMINISITRATIVE MEMBER

Lokesh Pancholi,  
Steno Grade-III,  
O/o Regional P.F.Commissioner-I,  
Employees Provident Fund Organisation,  
Nidhi Bhawan, Jyoti Nagar,  
Jaipur.

... Applicant

(By Advocate : Shri N.K.Singhal)

Versus

1. Central Provident Fund Commissioner.  
Employees Provident Fund Organisation,  
Ministry of Labour,  
Government of India,  
Bhavishya Nidhi Bhawan,  
14, Bhikaji Kama Place,  
New Delhi.
2. Regional Provident Fund Commissioner.  
Employees Provident Fund Organisation,  
Regional Office, Nidhi Bhawan,  
Jyoti Nagar,  
Jaipur.

(By Advocate : Shri Amit Mathur, proxy counsel for  
Shri R.B.Mathur)

3. Smt. Sudha Khandelwal,  
Steno Grade-III,  
Employees Provident Fund Organisation,  
Regional Office, Nidhi Bhawan,

Jyoti Nagar,  
Jaipur.

(By Advocate : Shri Anupam Agarwal)

... Respondents

**ORDER (ORAL)**

PER HON'BLE MR.M.L.CHAUHAN

The applicant has filed this OA thereby praying for the following relief :

- "i) The Hon'ble Tribunal may kindly be pleased to call for the entire relevant record of the above case and peruse the same and your lordship may kindly be pleased to accept and allow the Original Application and respondents may be directed that applicant be given the promotion to the post of Personal Assistant with all consequential benefits since when his juniors were promoted.
- ii) Quash and set aside the impugned order dated 18.1.2007 passed by respondent No.2 in an arbitrary manner."

2. Grievance of the applicant is that his finding has been kept by the DPC in a sealed cover as criminal prosecution is pending against him. In his place, respondent No.3 who is junior to the applicant has been granted adhoc promotion. It is on the basis of these facts, the applicant has prayed that the impugned order by which respondent No.3 has been granted promotion be quashed and the applicant be given promotion to the post of Personal Assistant.


3. Notice of this application was given to the respondents, who have filed their reply. In the reply it has been stated that on account of the criminal prosecution pending against the applicant, his finding has been kept in sealed cover, which is in conformity with the law laid down by the Apex Court and the instructions issued by the Government. As such, no infirmity

can be found in the action of the respondents, whereby adhoc promotion has been given to a person junior to the applicant.

4. We have heard learned counsel for the parties and perused the material available on record. Learned counsel for the applicant submits that at this stage he does not want to press this OA and seek liberty to make representation before the appropriate authority.

5. In view of what has been stated above, the applicant is permitted to make appropriate representation before the authority concerned. With these observations, the OA stands disposed of. No order as to costs.

  
(B.L.KHATRI)  
MEMBER (A)

  
(M.L.CHAUHAN)  
MEMBER (J)

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