

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

ORIGINAL APPLICATION NO. 190/2012

DATE OF ORDER: 29.03.2016

CORAM

HON'BLE DR. K.B. SURESH, JUDICIAL MEMBER
HON'BLE MS. MEENAKSHI HOOJA, ADMINISTRATIVE MEMBER

Heera Lal Bairwa S/o Shri Ram Swaroop aged about 56 years,
R/o Plot No. 41-42, Raoji Ka Bagh, Kartarpura, Jaipur. Presently
working as Section Supervisor O/o Regional Provident Fund
Commissioner, Nidhi Bhawan, Jyoti Nagar, Jaipur.

....Applicant

Mr. Anupam Agarwal, counsel for applicant.

VERSUS

1. Union of India through the Secretary (L&E) / Chairman, EC, CBT, Employees Provident Fund Organization, 14 Bhikaji Cama Place, New Delhi - 110066.
2. The Regional Provident Fund Commissioner, Employees Provident Fund Organization, Nidhi Bhawan, Jyoti Nagar, Jaipur.
3. The Regional Provident Fund Commissioner-I (Vig.), Employees Provident Fund Organization, 4 Bhikaji Cama Place, New Delhi - 110066.

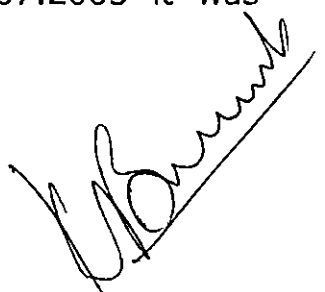
....Respondents

Mr. Amit Mathur, proxy counsel for
Mr. R.B. Mathur, counsel for respondents.

ORDER

(Per DR. K.B. SURESH, JUDICIAL MEMBER)

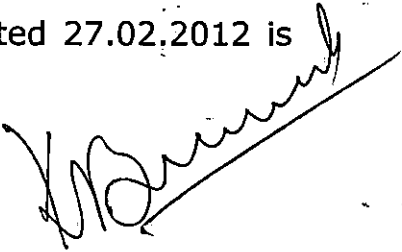
Heard. The question which would arise here is that whether the respondents can enhance punishment for the same infraction after the first punishment is already suffered. They have alleged that the applicant was an accomplice in facilitating a matter of forgery which is a criminal offence. Enquiry was held against him and a punishment was imposed on him vide order Annexure A/4 dated 18th June 2004. Thereafter it was taken up before Appellate Authority and vide order dated 25.07.2005 it was upheld.



2. While we look into the matter and the infraction, the punishment would appear to be inadequate as the matter of forgery has been detected against the applicant. But after the matter was settled, it appears that after seven years of time, respondents have woken up and issued a notice for enhancement of punishment apparently under the provisions of Rule 10 of EPF Staff (CCA) Rules, 1971 and in terms of Rule 25 of EPF Staff (CCA) Rules, 1971, which is similar to Rule 29 which would say that there is a power vested in it to enhance the punishment after an enquiry under Rule 10 and Rule 25 but unfortunately constitutional provisions are against it. **There would be double jeopardy when a person has been subjected to a punishment and after a long time later he is to be subjected to punishment for the same offence without any new ground. No authority can raise such question again under whatsoever be the circumstances even though we also think that the punishment was inadequate punishment but the provisions of Constitution does not allow double jeopardy to a person in the same matter and that too after a long time.**

3. Thus, no authority has power to enhance the punishment for the same offence particularly after the same was settled upto the jurisdiction of Appellate Authority. Therefore, the Original Application is allowed. Consequently, the Notice issued to the applicant vide Annexure A/1 Memorandum dated 27.02.2012 is hereby quashed. No costs.


(MS. MEENAKSHI HOOJA)
ADMINISTRATIVE MEMBER


(DR. K.B. SURESH)
JUDICIAL MEMBER