

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH
CHANDIGARH**

O.A. No.060/00747/2014

Decided on: 29.08.2014

**Coram: Hon'ble Mr. Sanjeev Kaushik, Member (J)
Hon'ble Mr. Uday Kumar Varma, Member (A)**

S.K. Khanna son of Shri Yash Pal Khanna, aged 61 years, Additional Central Provident Fund Commissioner (Retired), R/o House No. 261, Sector 15-A, Chandigarh.

.....Applicant

Versus

1. Union of India through the Secretary, Government of India, Ministry of Labour, New Delhi.
2. Central Board of Trustees, Employees Provident Fund Organization, Head Office, Bhavishya Nidhi Bhawan, 14-Bhikaji Cama Place, New Delhi - 110066 through Central Provident Fund Commissioner.

.....Respondents

Present: Applicant in person

Order (Oral)

By Hon'ble Mr. Sanjeev Kaushik, Member(J)

1. By means of the present O.A., the applicant has sought quashing of order dated 20.12.2011 (Annexure A-1), with a further prayer to release the balance leave encashment and commutation of pension with interest @ 18% p.a.
2. Applicant submits that he had already approached this Tribunal against the charge sheet dated 20.12.2011 by way of O.A. NO. 175/CH/2012 which was disposed of on 22.01.2013 being pre-

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mature. RA filed by the applicant for review of the order dated 22.01.2013 was rejected on 15.02.2013. Both the orders were challenged before the Hon'ble High Court in CWP NO. 49990/2013 which was disposed of 08.03.2013, with the observation that the applicant may submit his reply to the subject charge-sheet within a period of one month and take all the legal and factual pleas which shall be considered by the Competent Authority objectively.

3. Applicant further submits that he submitted a representation dated 10.04.2013 in terms of the orders of the High Court supplemented by reminders dated 03.08.2013 and 04.03.2013 but the respondents have not taken a view till date.
 4. Considering the prayer in this O.A. to entertain the petition and to quash the charge-sheet, which was the subject matter in earlier O.A., we are not inclined to entertain the second petition on the same cause of action. At this stage, the applicant submits that he will be satisfied if a direction is given to the respondents to consider and take a view on his representation (Annexure A-14) in accordance with law, within a stipulated period.
 5. Considering the limited prayer of the applicant, there is no need to issue notice to the respondents and call for their reply. Moreover no prejudice would be caused to the respondents as they have not yet taken a view on the representations filed by the applicant,
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which is the duty of the respondents, as per the provisions of Section 20 of the Administrative Tribunals Act, 1985.

6. Accordingly, the O.A. is disposed of, with a direction to Respondent No. 1 to consider and take a view on the representation (Annexure A-14) in accordance with law, within a period of two months from the date of receipt of a copy of this order.
7. Considering that the respondents have withheld the amount of leave encashment and gratuity of the applicant putting him into hardship, we expect from them to bring the consideration to a logical end within the above stipulated period.
8. Needless to say that we have not expressed any opinion on the merits of the case.
9. Disposed of accordingly. No costs.

(UDAY KUMAR VARMA)
MEMBER (A)

(SANJEEV KAUSHIK)
MEMBER (J)

PLACE: Chandigarh
Dated: 29.08.2014

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