

**Central Administrative Tribunal  
Principal Bench, New Delhi**

**C.P. No.565/2015  
OA No.2555/2012**

New Delhi, this the 4<sup>th</sup> November, 2016

**HON'BLE MR. JUSTICE M.S. SULLAR, MEMBER (J)**  
**HON'BLE MR. P.K. BASU, MEMBER (A)**

1. Shri S. S. Arora alias Surender Singh  
Aged 59 years  
R/o D-49, Malkaganj, Delhi  
Retired APFC
2. Virender Kumar Gupta  
Aged 61 years  
Retired APFC  
R/o A-93, Surya Ganesh Apartment  
Plot No.12-B, Sector-7, Dwarka,  
New Delhi
3. R. K. Gund  
Aged about 62 years  
Retired APFC  
R/o House No.1207  
Pawatiya Colony  
NIIT Faridabad
4. Smt. Shashi Nagrath  
Aged about 59 years  
R/o B-225, Lok Vihar  
Pitampura, Delhi

....Petitioners

(By Advocate : Shri Satpal Singh)

Versus

Sh. K. K. Jalan  
Central Provident Fund Commissioner  
Employee Provident Funds Organization  
Bhikaji Cama Place  
New Delhi

.....Respondent

(By Advocate: Ms. Aparna Bhat with Mr. Mayank Sapra)

## ORDER (ORAL)

**Justice M. S. Sullar, Member (J)**

As is evident from record, that Original Application (O.A) bearing No. 2555/2012, filed by the petitioners, Sh. S. S. Arora alias Surender Singh, and Ors. was disposed of vide order dated 18.05.2015 (Annexure-1), by this Tribunal. The order reads as under :-

“Heard both sides.

It appears that the matter can be resolved, if an order is issued to the respondents to make it clear that grant of notional benefits and delay in holding the DPC nowhere affected future career prospects of the applicants and the order is passed on agreement between the parties. We appreciate that both the counsel had stepped in to arrive at a correct resolution of this issue. Had a departmental representative appeared, he could have better explained the issue, however, there is none present.

In view of above, we dispose of these OAs with the direction that an order compliant to above finding will be arrived within two months. With this direction, we close the issue. “

2. According to the petitioners, the respondent has not complied with the order of this Tribunal, which necessitated them to file the instant Contempt Petition (C.P.).

3. In the wake of notice, learned counsel appeared and placed on record the compliance report, by way of an affidavit of Sh. Sanjay Bisht, Regional Provident Fund Commissioner, wherein it was depicted that respondent has passed a detailed speaking order, in each case and forwarded the same to the petitioners in compliance of the order of this Tribunal. The details of actions taken in compliance of the order dated 18.05.2015 are as under :-

“i. The seniority list for the post of APFC have been issued on 16.07.2015. In this seniority list the inter-se seniority of such officers who were regularised on 24.08.2011 has been maintained. In other words, no junior had superseded his or her senior. Moreover, as the direct recruit candidates

of APFCs were not available on 24.08.2011, all these departmentally promoted officers were put in the seniority list enblock.

ii. A DPC has been held on 05.08.2015 in which all the officers upto the panel year 2008-09, even though regularised on 24.08.2011, were considered by relaxing their qualifying service required for next higher post of RPFC Gr. II. Only the officers who were retired could not be considered in accordance with the DoP&T OM No. 22.11/1/2014-Estt (D) dated 14.11.2014.

iii. The zone of consideration for promotion from the feeder post of EO/AAO/PS/SO has been followed as per the prescribed instructions. It means all the officers in the zone of consideration were considered without applying the principles of supersession.

iv. The proposal for relaxing the qualifying service for the next higher post of Regional Provident Fund Commissioner (Grade II) for such officers who were regularised on 24.08.2011 against the next panel year 2009-10 has been further considered and sent to MoL&E for approval. Necessary approval has been received in the matter vide Ministry of Labour & Employment letter dated .6.11.2015.

Accordingly the representations made by the applicants have been disposed of by passing a speaking order and delivered to the applicants. A true copy of the speaking orders in compliance of the order dated 18.05.2015 passed by the Ld. Tribunal and the acknowledgment receipt of the same by the Applicants are annexed hereto and marked **Annexure-A (Colly).**"

4. Ex facie the arguments of learned counsel for the petitioners that since the respondent has not granted the notional benefits to them in the order(Annexure-A( colly.), so, the C.P is liable to be initiated against the respondent, is not only devoid of merit, but misplaced as well.

5. A bare perusal of the order (Annexure-1), of this Tribunal, would reveal that respondents were asked to clear that grant of notional benefits and delay in holding the DPC nowhere affected future career prospects of the applicants and nothing else. As to whether the petitioners are entitled to the notional benefits or not inter alia, would

be the moot point to be decided in regular O.A and such intricate questions cannot possibly be decided in the instant C.P.

6. Meaning thereby, the respondent has already substantially complied with the direction contained in the indicated order of this Tribunal, so, no further action is required to be taken in the matter.

7. Therefore, the C.P. is hereby dismissed. The Rule of Contempt is accordingly discharged. No costs.

Needless to mention, in case the petitioners still remain aggrieved with the impugned action/order of the respondent, then they would be at liberty to file fresh independent O.A, to challenge its validity, in accordance with law.

(P.K. Basu)  
Member (A)

(Justice M.S. Sullar)  
Member (J)  
04.11.2016

/Mbt/