

**Central Administrative Tribunal
Principal Bench**

OA No.2208/2016

New Delhi, this the 13th day of July, 2016

**Hon'ble Mr. Justice Permod Kohli, Chairman
Hon'ble Mr. K. N. Shrivastava, Member (A)**

Mr. Ishwar Dayal Sharma
Aged 59 years
S/o Shri C. L. Sharma
Present Assistant Provident Fund Commissioner,
R/o House NO.1241, Sector-17C,
Gurgaon 122001.

... Applicant.

(By Advocate : Shri S. K. Khanna)

Versus

1. The Chairman
Central Board of Trustees,
Employees Provident Fund,
(under the Ministry of Labour & Employment)
Shram Shakti Bhawan, Rafi Marg,
New Delhi 110 001.

2. The Central Provident Fund Commissioner
Bhavishya Nidhi Bhawan,
Employees Provident Fund Organization
(under the Ministry of Labour & Employment)
14, Bhikaji Cama Place,
New Delhi 110 066.

... Respondents.

(By Advocate : Shri Gyanendra Singh)

: O R D E R (ORAL) :

Justice Permod Kohli, Chairman:

Heard.

2. Issue notice. Shri Gyanendra Singh, learned standing counsel appears and accepts notice on behalf of the respondents.

3. The applicant was appointed as Enforcement Officer as a direct recruit through regular selection process. He earned promotion to the post of Assistant Provident Fund Commissioner on ad hoc basis on

04.10.2007, and on regular basis vide order dated 30.08.2011 w.e.f. 24.08.2011 against the vacancy year 2009-2010.

2. The applicant earlier filed OA No.2556/2012 which came to be disposed of by this Tribunal with certain directions. Pursuant to the directions of the Tribunal, the respondents have passed consequential orders relaxing the qualifying service for promotion to the grade of Regional Provident Fund Commissioner Grade-II (RPFC Grade-II for short).

3. The grievance of the applicant in the present Application is that he is due for promotion to the post of RPFC-II as vacancies are available and he is eligible under the Recruitment Rules, but he is not being considered on account of non holding of DPC. The applicant has filed representation dated 16/17.05.2016 (**Annexure A-7**) seeking relief from the respondents.

4. Keeping in view the nature of relief claimed, we dispose of this Application at the admission stage itself with direction to the respondents to examine the claim of the applicant as projected in the representation referred to hereinabove and pass reasoned and speaking consequential orders within a period of two months from the date of receipt of certified copy of this order.

(K. N. Shrivastava)
Member (A)

(Justice Permod Kohli)
Chairman

/pj/