

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

Original Application No.180/00211/2018

Monday this the 26th day of February, 2018

CORAM:

Hon'ble Mr.U.Sarathchandran, Judicial Member
Hon'ble Mr.E.K.Bharat Bhushan, Administrative Member

Balupremjith.P
 S/o.Late C.M Premahasachandra Babu
 Sr.SSA (TBP), Employees Provident Fund Organisation
 Sub-Regional Office, Kollam
 Residing at T.C.No.2/1256
 Chenthluvila Veedu, Pottakuzhy Residents Association (PRA)
 No.164, Pattom P.O, Thiruvananthapuram-695 004 . . . **Applicant**

(By Advocate – Mr.K.Karappankutty)

V e r s u s

1. Union of India represented by the Secretary
 Department of Labour and Employment
 New Delhi – 110 001
2. Central Provident Fund Commissioner
 Bhavishya Nidhi Bhavan, New Delhi-110 066
3. The Regional Provident Fund Commissioner – 1
 Zonal Office, Kerala and Lakshadweep
 Bhavishyanidhi Bhavan, Pattom P.O
 Thiruvananthapuram-695 004
4. The Officer in charge, Sub Regional Office
 Employees Provident Fund Organisation
 Kollam – 6 . . . **Respondents**

(By Advocate – Mr.Rajasimhan for R 2-4 & Mr.N.Anilkumar,Sr.PCGC(R) for R1)

This Original Application having been heard on 26.02.2018, the Tribunal on the same day delivered the following:

O R D E R (ORAL)

Per: HON'BLE MR.E.K.BHARAT BHUSHAN, ADMINISTRATIVE MEMBER

Applicant is the son of a deceased employee of Employees Provident Fund Organisation (EPFO for short). Consequent to the death of his father on 30.11.2010, applicant had applied for compassionate appointment in EPFO enclosing the death certificate of his father. He was informed that his case cannot be considered as he did not possess minimum educational qualification for the post, which was a Degree with Computer knowledge.

2. Applicant was addressed by the Assistant Provident Fund Commissioner vide Annexure A-2 dated 20.6.2014 asking him to apply for compassionate appointment with various required documents including copies of certificates of present educational qualification. Therefore, he submitted all his details along with a formal request. However, his case was again rejected vide Annexure A-13 dated 26.5.2017 stating that the proposal for Compassionate Appointment has not been approved by the Secretary (Labour & Employment). Applicant has filed a further representation before the Employees Provident Fund Commissioner which is referred to in the letter of the Regional Provident Fund Commissioner dated 8.6.2017 addressed to the Central Provident Fund Commissioner (Annexure A-14).

3. At the admission stage, we feel that interests of justice will be met if a direction is given to respondent no.2, who is the Central Provident Fund Commissioner, New Delhi to consider the representation made by the applicant referred to in the letter of the Regional Provident Fund Commissioner dated 8.6.2017. It is directed that the proposal should be considered and the decision taken thereon shall be communicated to the applicant within three months from the date of receipt of a copy of this order.

4. Accordingly, the Original Application is disposed of. No costs.

(E.K.BHARAT BHUSHAN)
ADMINISTRATIVE MEMBER

(U.SARATHCHANDRAN)
JUDICIAL MEMBER

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List of Annexures

Annexure A-1	-	True copy of the letter No.KR/RO/TVM/Adm1(5)/Comp.Appt/2011 dated 12.4.2011.
Annexure A-2	-	True copy of the communication No.KR/RO/TVM/Adm 1(5)/2014 dated 20.6.2014
Annexure A-3	-	True copy of the letter dated 21.7.2014 submitted by the applicant.
Annexure A-4	-	True copy of the proforma application in Annexure
Annexure A-5	-	True copy of the declaration dated 21.7.2014
Annexure A-6	-	True copy of the death certificate dated 5.1.2011 of the applicant's father
Annexure A-7	-	True copy of the Birth certificate dated 28.3.1991 of the applicant
Annexure A-8	-	True copy of the B.Tech Degree Certificate of the applicant

Annexure A-9 - True copy of the mark list No.021308 showing the knowledge of computer of the applicant

Annexure A-10 - True copy of the requested declaration in Non-Judicial Stamp paper of the applicant

Annexure A-11 - True copy of the Under taking dated 21.7.2014 filed by the applicant along with the application for employment

Annexure A-12 - True copy of the letter No.KR/RO)TVM/Adm 1(5)/Comp.Appt/2015 dated 5.2.2015.

Annexure A-13 - True copy of the order No.ZO/KR/T-2/CA/2017 dated 26.5.2017 issued by the 3rd respondents

Annexure A-14 - True copy of the communication No.ZO/KR/T-2/Com.appnt/2017-18 dated 8.6.2017.

Annexure A-15 - True copy of the advocate notice dated 4.4.2017.

Annexure A-16 - True copy of the office memorandum F.No.14014/3/2011.Estt(D) dated 26.7.2012.

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