

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

**O. A. No.60/147/2018
M.A. No.60/281/2018**

Date of decision: 23.02.2018

**CORAM: HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J).
HON'BLE MRS. P. GOPINATH, MEMBER (A).**

1. Preeti Balhara, aged 31 years, Emp. ID PS080986048011010, D/O Sh. Satbir Singh Balhara, W/o Sh. Dhamender, presently working as Senior Social Security Assistant, Group 'C', office of Regional Provident Fund Commissioner, Regional Office, Employees Provident Fund Organization, Bhavishya Nidhi Bhawan, Regional Office, Sector-3, Institutional Area, Near Little Shri School, Rohtak (Haryana).
2. Vipul Goyal, aged 31 years, Emp. ID VP041086048040810, S/o Sh. Prem Chand Goyal, presently working as Senior Social Security Assistant, Group 'C', office of Employees Provident Fund Organization, Zonal Training Institute (North Zone), in front h Kothi No.174, Sector 16-A, Faridabad.
3. Prashant Jangra, aged 36 years, Emp. ID PI160280048110810, S/o Sh. Ishwar Singh Jangra, , presently working as Senior Social Security Assistant, Group 'C', Regional Provident Fund Commissioner, Regional Office, Employees Provident Fund Organization, Regional Office, Sector-44, Plot No.43, Gurugram.

**... APPLICANTS
VERSUS**

1. Central Board of trustees through its Chairman, Sharam Shakti Bhawan, Rafi Marg, New Delhi.
2. Central Employees' Provident Fund Organization, through Central Provident Fund Commissioner, 14 Bikaji Cama Place, New Delhi-110066.
3. Regional Provident Fund Commissioner, Regional Office, Employees Provident Fund Organization, Bhavishya Nidhi Bhawan, Regional

Office, Sector-3, Institutional Area, Near Little Shri School, Rohtak-124001.

4. Regional Provident Fund Commissioner, Employees Provident Fund Organization, Zonal Training Institute (North Zone), in front h Kothi No.174, Sector 16-A, Faridabad.
5. Regional Provident Fund Commissioner, Regional Office, Employees Provident Fund Organization, Regional Office, Sector-44, Plot No.43, Gurugram.
6. Sh. Manoj, Emp. ID MR100182048300810, working as Senior Social Security Assistant, Regional O/o Provident Fund Commissioner, Regional Office, Employees Provident Fund Organization, Regional Office, Sector-44, Plot No.43, Gurugram.
7. Anil Kumar, Emp. ID AH060374016150206, working as Senior Social Security Assistant, O/O Employees Provident Fund Organization, Sub Regional Office, Sector 5-8, Sector-12, Mini Secretariat, Karnal-132001.
8. Arun Kumar, Emp. ID AS050681048190509, working as Senior Social Security Assistant, Regional O/o Provident Fund Commissioner, Regional Office, Employees Provident Fund Organization, Regional Office, Sector-44, Plot No.43, Gurugram.

... RESPONDENTS

PRESENT: Sh. R.K. Sharma, counsel for the applicants.

Sh. Aseem Rai, counsel for respondents No.1 to 5.

Sh. D.R. Sharma, counsel for respondents no.6 to 8.

ORDER (Oral)

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SANJEEV KAUSHIK, MEMBER (J):-

1. M.A. No.60/281/2018 has been filed by private respondents for modification order dated 07.02.2018 whereby the respondents have been restrained from promoting the persons of reserve category.
2. Heard Sh. D.R. Sharma, learned counsel for the applicants in MA who submitted that before conveying the order dated 07.2.2018 of this Court, the respondents had already promoted the private respondents and allowed to join them on 07.02.2018 itself, therefore, they seek suitable modification of interim order.
3. Notice to counsel opposite side.
4. Sh. R.K. Sharma accepts notice on behalf of the respondents in MA (A in OA) and submitted that the promotion order qua private respondents has been passed in an arbitrary and clandestine manner by the official respondents allowing private respondents to join their duty to frustrate the order of this Court.
5. Be that it may, once private respondents have already joined, therefore, interim order is to be modified.
6. Sh. R.K. Sharma submitted that since pending OA, the official respondents have promoted private respondents, therefore, he be permitted to withdraw present petition enabling him to file fresh on

same cause of action by impugning their promotion order. Till then, their promotion order be ordered to be subject to outcome of OA.

7. In view of the above, present O.A. is disposed of with liberty to the applicants in O.A. to file a fresh petition within two weeks impugning promotion order of private respondents, as prayed. Till then promotion order of private respondents shall be subject to final outcome of the petition to be filed.
8. MA as well as OA stand disposed of in the above terms.

**(P. GOPINATH)
MEMBER (A)**

Date: 23.02.2018.
Place: Chandigarh.

**(SANJEEV KAUSHIK)
MEMBER (J)**

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