

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

O.A. No. 100326/ of 2018

-And-

In the matter of:

An application under Section 19 of
the Administrative Tribunal Act,
1985.

-And-

In the matter of:

Amit Sengupta,

Son of Late Amar Sengupta,

49, Hem Chandra Lane, Post Office -

Bhadrakali, Police Station

Uttarpara, District - Hooghly, Pin

Code - 712232.

.....Applicant.

-Versus-

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1. The Union of India, service through its Secretary, Ministry of Labour & Employment, Government of India, Bhavishya Nidhi Bhawan, 14-Bhikaji Cama Place, New Delhi - 110066.

2. The Employees' Provident Fund Organization, (Ministry of Labour & Employment, Government of India), service through Regional Provident Fund Commissioner, Bhavishya Nidhi Bhawan, 14-Bhikaji Cama Place, New Delhi - 110066.

3. The Regional Provident Fund Commissioner-I (HRM), Employees' Provident Fund Organization, (Ministry of Labour & Employment, Government of India), Bhavishya Nidhi Bhawan, 14-Bhikaji Cama Place, New Delhi - 110066.

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4. The Central Provident Fund.

Commissioner, Employees' Provident

Fund Organization, (Ministry of

Labour & Employment, Government

of India), Bhavishya Nidhi Bhawan,

14-Bhikaji Cama Place, New Delhi -

110066.

5. The Secretary, Central Board,

Employees' Provident Fund

Organization, (Ministry of Labour &

Employment, Government of India),

Bhavishya Nidhi Bhawan, 14-Bhikaji

Cama Place, New Delhi - 110066.

6. The Regional Provident Fund

Commissioner, Employees' Provident

Fund Organization, Regional Office

of West Bengal, Sikkim, the

Andaman & Nicobar Islands, office at

D.K. Block, Sector-II, Salt Lake City

(Karunamoyee), Kolkata - 700091.

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7. The Assistant Provident Fund
Commissioner, Employees' Provident
Fund Organization, Circle - II,
Regional Office of West Bengal,
Sikkim, the Andaman & Nicobar
Islands, office at, D.K. Block, Sector-
II, Salt Lake City (Karunamoyee),
Kolkata 700091.

.....Respondents.

No.O.A.350/326/2018

Date of order : 05.03.2018

Coram : Hon'ble Mr. A.K. Patnaik, Judicial Member**Hon'ble Dr. (Ms.) Nandita Chatterjee, Administrative Member**

For the applicant : Ms. M. Mitra, counsel
Md. S. Jahan, counsel

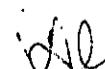
For the respondents : None

ORDER (ORAL)**Mr. A.K. Patnaik, J.M.**

The instant O.A. has been filed by the applicant under Section 19 of the Central Administrative Tribunals Act, 1985 praying for the following reliefs:-

- "a) An order by granting leave to the applicant to move the instant application without service upon the respondents considering extreme urgency involved in the matter;
- b) An order directing the respondents to cancel, quash, reject, withdraw and/or rescind from the impugned order of transfer bearing No. HRM-III/1(1) /2017 /DPAs /Transfer dated 27.02.2018 issued by the Regional Provident Fund Commissioner-I (HRM), Employees' Provident Fund Organization, (Ministry of Labour & Employment, Government of India), without any delay;
- c) An order directing the respondents not to take any step to transfer the petitioner from Kolkata prior to formulation of concern Rules;
- d) An order directing the respondents to produce/cause production of all the relevant records;
- e) Any order or further order/orders as to this Hon'ble Tribunal may deem fit and proper."

2. Heard Ms. M. Mitra and Md. S. Jahan, Id. counsel for the applicant. None appears for the respondents.



3. Brief facts of the case as narrated by the ld. counsel for the applicant are that the applicant was appointed as Lower Division Clerk (LDC) under the Ministry of Defence; subsequently he was appointed to the post of Data Entry Operator (DEO) , Grade-A and thereafter by following the government policy he was placed to the post of Data Entry Operator (DEO) Grade-C in the year 2004. It is submitted by the ld. counsel for the applicant that on 20.05.2009 the Government created a new entry cadre of Data Processing Assistant (DPA) of Group C in the Electronic Data Processing (EDP) Cell under Employees' Provident Fund Organization and adopted a policy decision to abolish the posts of Data Entry Operator (DEO) and to convert the existing DEOs into the new cadre of Data Processing Assistants (DPAs) provided they have the prescribed qualification for the said posts of DPA. ld. counsel for the applicant further submitted that it was decided by the department to give one time relaxation to the underqualified DEOs to enhance their qualification as required for the posts of DPA and pursuant to said policy decision, the applicant having requisite qualification for the post of DPA was re-designated as DPA and started functioning as DPA on and from 14.11.2009. However, ld. counsel for the applicant submitted that all on a sudden without following the norms the respondents have transferred the applicant to Agartala vide order dated 27.02.2018(Annexure A/1). Being aggrieved by such action of the respondents, the applicant has approached this Tribunal seeking the aforesaid reliefs.

4. ld. counsel for the applicant submitted that that the applicant has filed a representation dated 28.02.2018 (Annexure A/7) to the Respondent No.4 i.e. the Central Provident Fund Commissioner, Ministry of Labour & Employment, Government of India, Employees' Provident Fund Organisation, New Delhi

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ventilating his grievances therein, but no reply has been received from the respondents till date. Ld. counsel for the applicant submitted that the applicant would be satisfied for the present if a direction is given to the respondent No.4 to consider and dispose of the representation of the applicant dated 28.02.2018(Annexure A/7) as per rules and regulations governing the field within a specific time frame.

5. Though no notice has been given to the respondents we are of the view that it would not be prejudicial to either of the sides if a direction is given to the Respondent No.4 to consider and dispose of the representation of the applicant as per rules governing the field within a time frame.

6. Accordingly the respondent No.4 i.e. the Central Provident Fund Commissioner, Ministry of Labour & Employment, Government of India, Employees' Provident Fund Organisation, New Delhi is directed to consider and dispose of the representation of the applicant dated 28.02.2018(Annexure A/7) as per the rules and regulations in force by passing a well reasoned order within a period of six weeks from the date of receipt of this order, if such representation is still lying pending for consideration and communicate the decision to the applicant forthwith. After such consideration, if the decision of the respondents goes in favour of the applicant, the consequential benefits may be given to the applicant within a period of six weeks from the date of taking decision in the matter. Status quo as on date, so far as continuance of the applicant is concerned, shall be maintained till disposal of representation dated 28.02.2018(Annexure A/7) and communication of the decision to the applicant.



7. It is made clear that we have not gone into the merits of the case and all the points raised in the representation are kept open for consideration by the respondent authorities as per rules and guidelines governing the field.

8. As prayed by the Id. Counsel for the applicant, a copy of this order along with the paper book may be transmitted to the Respondent No.4 by the Registry by speed post for which Id. counsel for the applicant shall deposit the cost within a week.

9. With the above observations the O.A. is disposed of. No order as to cost.

(Dr. N. Chatterjee)
Administrative Member

(A.K. Patnaik)
Judicial Member

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