



**CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH**

No. O.A. 350/00534/2018

Date of order: 20.4.2018

Present: Hon'ble Dr. Nandita Chatterjee, Administrative Member

Amit Sengupta,
Son of Late Amar Sengupta,
49, Hem Chandra Lane,
Post Office – Bhadrakali,
Police Station – Uttarpara,
District – Hooghly,
Pin – 712232.

.. Applicant

Vs.

1. The Union of India,
Service through its Secretary,
Ministry of Labour & Employment,
Government of India, Shram Shakti Bhawan,
Rafi Marg, New Delhi – 110 001.
2. The Employees' Provident Fund Organization,
(Ministry of Labour & Employment,
Government of India),
Service through Central Provident Fund Commissioner,
Bhavishya Nidhi Bhawan,
14-Bikaji Cama Place,
New Delhi – 110066.
3. The Regional Provident Fund Commissioner-I (HRM),
Employees' Provident Fund Organization,
Provident Fund Organization,
(Ministry of Labour & Employment,
Government of India),
Bhavishya Nidhi Bhawan,
14-Bikaji Cama Place,
New Delhi – 110066.
4. The Central Provident Fund Commissioner,
Employees' Provident Fund Organization,
Provident Fund Organization,
(Ministry of Labour & Employment,
Government of India),
Bhavishya Nidhi Bhawan,
14-Bikaji Cama Place,
New Delhi – 110066.

[Handwritten signature]

5. The Additional Central Provident Fund Commissioner-I,
 Zonal Office Kolkata,
 Employees'Provident Fund Organization,
 West Bengal, Andaman & Nicobar Islands and
 Sikkim, D.K. Block, Sector – II, Salt Lake City,
 Kolkata – 700 091.

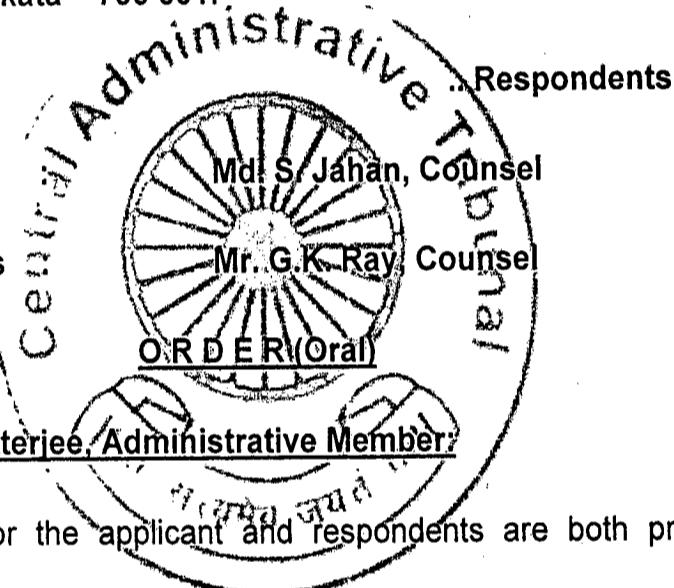
6. The Regional Provident Fund Commissioner – I,
 Zonal Office Kolkata,
 Employees'Provident Fund Organization,
 West Bengal, Andaman & Nicobar Islands and
 Sikkim, D.K. Block, Sector – II, Salt Lake City,
 Kolkata – 700 091.

7. The Regional Provident Fund Commissioner-I,
 Regional Office Kolkata,
 Employees'Provident Fund Organization,
 D.K. Block, Sector-II, Salt Lake city,
 Kolkata – 700 091.

For the Applicant

For the Respondents

Per Dr. Nandita Chatterjee, Administrative Member:



Ld. Counsel for the applicant and respondents are both present. Ld. Counsel for the respondents submits that an order dated 5.3.2018 had been passed in an earlier O.A. bearing No. 350/00326/2018, which had directed as follows:-

"6. Accordingly the respondent No. 4 i.e. the Central Provident Fund Commissioner, Ministry of Labour & Employment, Government of India, Employees' Provident Fund Organization, New Delhi is directed to consider and dispose of the representation of the applicant dated 28.2.2018 (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 28.2.2018 (Annexure A/7) and communication of the decision to the applicant."

[Signature]

2. Ld. Counsel for the applicant submits that, although on the date of the order i.e. 5.3.2018, the applicant concerned was very much located at Salt Lake, Kolkata and the respondent authorities were yet to dispose of the representation with a reasoned and speaking order, the Regional Provident Fund Commissioner – I, Zonal Office, Kolkata had passed a deputation order on 17.4.2018 posting the applicant on deputation for a period of 90 days to Regional Office, Port Blair on tour basis (annexed as "A-4" to the O.A.).

3. Ld. Counsel for the respondents submits that the only reason that this order was passed was that a vacancy had occurred in the Port Blair Office subsequent to transfer of an employee to Regional Office, Salt Lake and accordingly to temporarily tide over the vacancy, the deputation order dated 17.4.2018 was issued.

4. It is noted that the Tribunal had passed a specific order and the respondent authorities are yet to comply with the order of the Tribunal. Therefore, the said order of Regional Pf Commissioner – I, Zonal Office, respondent No. 6 in the instant application, is against the orders of the Tribunal and hence, we stay the operation of the order dated 17.4.2018 (Annexure "A-4" to the O.A.) and further direct the respondents to comply with the orders of the Tribunal dated 5.3.2018 forthwith.

5. With this direction, the O.A. is disposed of. No costs.

(Dr. Nandita Chatterjee)
Administrative Member

SP