

OA.No.170/00136/2018/CAT/Bangalore Bench
**CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH**

ORIGINAL APPLICATION NO.170/00136/2018

DATED THIS THE 19th DAY OF JULY, 2018

HON'BLE DR.K.B. SURESH, MEMBER (J)
HON'BLE SHRI DINESH SHARMA, MEMBER (A)

Sri.Mohammed Idrees Bidri
S/o. Mohammed Younus
Aged about 62 years
R/a.No.7, 120, 22/36
Near KBN Engineering College
Boys Hostel, Way to Bombay Hotel
Billalabad
Gulbarga-585104.

... Applicant

(By Advocate M/s.Paanchajanya Assts.)

Vs.

1. The Under Secretary to the Government of India
Central Provident Fund Commissioner
(Ministry of Labour and Employment)
Shram Shakti Bhavan, Rafi Marg
New Delhi-110066.
2. The Central Provident Fund Commissioner
EPFO, Head Office, Bhavishya Nidhi Bhavan
New Delhi-110066.
3. Regional Provident Fund Commissioner-2
Bhavishyanidhi Bhavan
Aland Road
Kalburgi-585 101.

...Respondents

(By Advocates Shri M.Rajkumar and Shri K.S.Venkataramana for R3)

ORDER (ORAL)

(PER HON'BLE DR.K.B.SURESH, MEMBER (J))

We have taken up this matter on 26.02.2018 and Shri G.Mallikarjunappa, Ld.Counsel for the respondents took notice and asked for time to get instructions in the matter. Thereafter, the matter was taken up on 06.03.2018.

In view of the objections raised by Shri Mallikarjunappa in the earlier instance, we did not grant interim order but waited for him to get instructions in the matter. On 06.03.2018 also he could not get instructions. Therefore, on 22.03.2018, a new Counsel Shri K.S.Venkataramana appeared for the respondents and objected the interim order being given and sought two weeks' time to file reply which is allowed. Thereafter, the matter was taken up on 16.04.2018 when also no reply was filed. We granted some more time at that point of time and posted the matter on 11.06.2018 on which day we granted two more weeks as last and final chance to file reply. It appears that the reply is not filed till now. At this point of time, Ms.Vijaya Lakshmi, proxy Counsel appearing for R3 appears and seeks some more time on the ground that the case is posted to 19.07.2018 for filing objections. It is factually incorrect. It was posted for instructions on 06.03.2018.

2. But having gone through the record, we are of the view that if we direct the respondents to dispose of exhibit A4 & A8 representations with the speaking order considering all elements in it, the matter can be settled at the level of the respondents itself. Therefore, the matter is remitted back to the respondents to make easy for them to do so. The impugned order is hereby quashed and set aside. Let them decide the matter under Annexure-A4 & A8 within next two months and pass appropriate speaking order after giving opportunity of hearing the applicant as well.

3. The OA is disposed of as above. No costs.

(DINESH SHARMA)
MEMBER(A)

(DR. K.B. SURESH)
MEMBER (J)

Annexures referred to by the applicant in OA.170/00136/2018

- Annexure-A1: Copy of the Office Order dtd.01.12.2014
- Annexure-A2: Copy of the Confirming letter by the EPF dtd.31.03.2015
- Annexure-A3: Copy of the Inquiry Report dtd.31.05.2017
- Annexure-A4: Copy of the Representation dtd.08.07.2017
- Annexure-A5: Copy of the Representation dtd.10.07.2017
- Annexure-A6: Copy of the communication dtd.11.07.2017
- Annexure-A7: Copy of the Show Cause Notice through the RPFC-2 dtd.18.08.2017
- Annexure-A8: Copy of the Representation dtd.28.08.2017
- Annexure-A9: Copy of the Impugned order dtd.14.12.2017
