

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

ORIGINAL APPLICATION NO.170/00095/2018

DATED THIS THE 06TH DAY OF DECEMBER, 2018

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

HON'BLE SHRI C V SANKAR, MEMBER (A)

Anup Singh Chettri,
S/o Krishna Chettri,
Aged 37 years,
Working as Senior Social Security Assistant,
Provident Fund Organisation,
Sub-Regional Office, Whitefield,
Residing at DS Max Swatantra,
Flat No. 418, 4th Floor,
Opp ASSISI School,
Behind Garden City College,
T.C. Palya, K.R. Puram,
Bengaluru – 560 038

.....Applicant

(By Advocate Shri A.R. Holla)

Vs.

1. The Central Provident Fund Commissioner,
Employees Provident Fund Organization,
Bhavishya Nidhi Bhavan,
14, Bhikaji Cama Place,
New Delhi – 110 066

2. Additional Central Provident Fund Commissioner,
Bengaluru Zone, Kaveri,
Bhavishya Nidhi Enclave,
H.M.T. Main Road, Jalahalli,
Bengaluru – 560 013

3. The Assistant Provident Fund Commissioner,
Provident Fund Organization,
Sub-Regional Office,
No. 36, Lakshmi Complex,
NH-4, K.R. Puram,
Bengaluru – 560 036

.....Respondents

(By Shri Dinesh S Kadlaas, Counsel for the Respondents)

ORDER (ORAL)

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

According to the rules, the concerned person should pay 65%. Applicant being Social Security Assistant and normally would have written the initial notes on the matter and as a first authority concerned would be burdened with 65% in the normal course. However, since others are also involved in it, 25% liability is fixed on the applicant.

2. Applicant challenges this by holding that this fixation is quite arbitrary and no opportunity was given to him to challenge the quantum at any stage. Apparently a show cause notice was issued and a reply was elicited from the applicant but then the fixation of the quantum did not apparently figure in any of these documentation. Therefore, we will now remit the matter back to the respondents to issue a proper show cause notice within the next 10 days. Within the next 10 days after that, applicant will give a reply and the question of apportionment between all others may also be taken up by the respondents. Needless to say, all these notices shall be served on all other concerned persons also and their replies also elicited within the timeframe granted. Therefore, we will permit the respondents to pass appropriate order in this regard within the next one month. Applicant is granted liberty to challenge it if the order is against his interest.

3. The OA is disposed off as above. No order as to costs.

(C V SANKAR)
MEMBER (A)

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

/ksk/

Annexures referred to by the applicant in OA No.170/00095/2018

Annexure-A1: Copy of the show cause notice

Annexure-A2: Copy of the applicant's reply dated 03.11.2016

Annexure-A3: Copy of the order dated 03.07.2017

Annexure-A4: Copy of the notice dated 09.10.2017

Annexure-A5: Copy of the applicant's representation dated 23.10.2017

Annexure-A6: Copy of the note dated 04.12.2017

Annexures with reply statement

Annexure-R1: Copy of the letter dated 30.09.2015

Annexure-R2: Copy of the Minutes of the Overpayment Review Committee held on 28.02.2017

Annexure-R3: Copy of the Minutes of the Overpayment Review Committee held on 28.09.2016

Annexure-R4: Copy of the letter dated 02.03.2017
