

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...
ORIGINAL APPLICATION NO.060/00064/2019
Chandigarh, this the 25th day of January, 2019

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

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Pankaj Dhiman (age 46 years)
S/o Sh. Baldev Krishan,
Sr. Social Security Assistant (Group C),
Sub Regional Office, Employees Provident Fund Organization,
Plot No. 1, Sector 3, Institutional Area, Rohtak, and
Resident of House No. 58/2,
Dogran Gate Sikhon Wali Gali,
Kaithal (Haryana) Pin – 132027.

....Applicant

(Present: Mr. Ravi Verma, Advocate)

Versus

1. Employees Provident Fund Organization through the Regional Provident Fund Commissioner-I, Bhavishya Nidhi Bhawan, Sector 15-A, Faridabad (Haryana), Pin – 121007.
2. The Regional Provident Fund Commissioner-II, Employees Provident Fund Organization, Bhavishya Nidhi Bhawan, SCO No. 5-8, Sector 12, Karnal (Haryana), Pin 132001.
3. Sh. Nitin Singh, Regional Provident Fund Commissioner-II Cum Inquiry Officer, District Office – Employees Provident Fund Organization, # 2043/1 Block-10, Naraingarh Chowk Crossing, Baldev Nagar, Ambala City, Pin 134003.

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Respondents

ORDER (Oral)
SANJEEV KAUSHIK, MEMBER (J)

1. Heard.
2. Learned counsel submitted that though the applicant has challenged the impugned charge-sheet dated 12.01.2017 being

illegal, arbitrary, unjust, malafide and against the principles of natural justice, but he restricts his prayer to the extent that the Inquiry Officer Mr. Nitin Singh (Respondent No. 3) who is one of the prosecution witness of the department in criminal proceedings against him and the applicant has already been held guilty by this officer in its preliminary report dated 13.08.2014, be changed. Learned counsel submitted that appointing a person, who has been prosecution witness of the department in criminal proceedings arisen out of same charges, as Inquiry Officer in the departmental proceedings, will deprive the applicant of a fair chance to defend his case and prove his innocence. Therefore, he prayed that a direction be issued to the respondents to change the Inquiry Officer.

3. Considering the above, we give liberty to the applicant to move a representation to the Competent Authority and thereupon the respondents are directed to pass an order in view of the facts indicated in the preceding paragraphs. If the facts are true, then they are directed to change the Inquiry Officer Mr. Nitin Singh, Regional Provident Fund Commissioner, Ambala City (Respondent No.3) by some other officer, and go ahead with the proceedings.

4. Needless to mention that disposal of the OA shall not be construed as an expression of any opinion on the merits of the case. No costs.

(P. GOPINATH)
MEMBER (A)

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(SANJEEV KAUSHIK)
MEMBER (J)

Dated: 25.01.2019