

**CENTRAL ADMINISTRATIVE TRIBUNAL  
CHENNAI BENCH**

**MA/310/00332/2018 & MA/310/00413/2018**

**in &**

**CP/310/00079/2016 in OA/310/00248/2014**

**Dated Monday the 30<sup>th</sup> day of July Two Thousand Eighteen**

**PRESENT**

**HON'BLE MR. R. RAMANUJAM, Member (A)**

**&**

**HON'BLE MR. P. MADHAVAN, Member (J)**

P.Tapasvi,  
No. 17/1122,  
Near Ramaya Compound,  
Tilak Nagar, Guntakal,  
Anantapur, Andhra Pradesh 515801. ....Applicant

By Advocate M/s. R. Malaichamy

Vs

- 1.Dr. V. P. Joy,  
The Central Provident Fund Commissioner,  
Employees Provident Fund Organization,  
Ministry of Labour and Employment,  
Bhavishya Nidhi Bhavan,  
No. 14, Bhikaji Cama Place,  
New Delhi 110066.
- 2.Smt. Swagata Rai,  
Addl. Central Provident Fund Commissioner,  
(Human Resource Management),  
Bhavishya Nidhi Bhavan,  
No. 14, Bhikaji Cama Place,  
New Delhi 110066.
- 3.Shri M. Narayanappa,  
Regional Provident Fund Commissioner (Examination),  
No. 37, Royapettah High Road,  
Opp. Swagat Hotel,  
Chennai 600014.

4.M.V.Desai/A.S. Bhattacharya,  
The General Manager/The Director,  
Institute of Banking Personnel Selection,  
IBPS House,  
Near Thakur Polytechnic,  
90, DP Road, Off. Western Express Highway,  
Kandivali (East), Mumbai 400101. ....Respondents

By Advocates Mr. V. Vijay Shankar (R1-R3)  
M/s. T. S. Gopalan & Co. (R4)

**ORAL ORDER**

**(Pronounced by Hon'ble Mr. R. Ramanujam, Member(A))**

Heard both sides. This CP has been filed alleging wilful disobedience against the respondents of the order of this Tribunal dt. 05.04.2016 in OA 248/2014 in which the submission of the respondents that the vacancy for Tamil Nadu for the post of Social Security Assistant was erroneously shown as "Zero" although the number advised was 206 was recorded as also the statement by the respondents that appointments would be issued for 206 persons based on the result of examination.

2. The grievance of the CP applicant is that in spite of a lapse of more than two years thereafter, the applicant was still not being favoured with an appointment letter in clear violation of the said order of the Tribunal.

3. Notices were accordingly issued to the official respondents and on their plea to the recruitment agency as well, as it was submitted that while the official respondents were inclined to publish the results and issue appointment letters, the agency which conducted the selection was not cooperating and was insisting that under the contract between the official respondents and the agency, the latter was not required to reopen the matter after all records were handed over to the official respondents.

4. Learned counsel for official respondents would produce a copy of the Memorandum of Understanding between the EPFO and Institute of Banking and Personnel Selection (IBPS) in this regard and argue that in terms of the agreement, the IBPS was required to cooperate with them in all legal matters.

5. We have considered the defence. If the official respondents had any issue with the recruitment agency in terms of the MoU entered between them, this Tribunal is clearly not the forum to agitate the same. Whether the official respondents had a right to cooperation from the IBPS or not could not be gone into in a CP. It is for the official respondents to agitate their rights in terms of the contract before an appropriate legal forum for timely cooperation or take unilateral action to comply with the order of this Tribunal without such cooperation. The official respondents in the OA could not renege from their commitment to issue appointment letters to 206 selected candidates on this ground when more than two years have already passed.

6. Learned counsel for the official respondents would submit that the official respondents proposed to proceed with the issue of appointment letters on their own based on the documents handed over by the recruitment agency to them at the conclusion of the recruitment process, without seeking any further cooperation from the IBPS. It is

also assured that if the applicant is selected, she would be issued with an appointment letter within 10 days from today.

7. Recording the above submission, the CP is closed. Notices are discharged. If the CP applicant does not hear from the official respondents within the said time limit about her selection or otherwise, she shall be at liberty to move for reopening the CP. Connected MAs stand disposed of in the light of the above.

**(P. Madhavan)**  
**Member(J)**

**(R.Ramanujam)**  
**Member(A)**

**30.07.2018**

SKSI