

**Central Administrative Tribunal
Principal Bench, New Delhi**

O.A. No.2594/2018

Monday, this the 17th day of December, 2018

Hon'ble Mr. K.N. Shrivastava, Member (A)

Amit Vashist
s/o Sh. R P Vashist
Aged about 44 years
Resident of Type V, Flat No.1
EPFO Complex
Sector 23, Dwarka
New Delhi
At present posted as Regional PF Commissioner-I
EPFO, Kadapa (AP)

..Applicant
(Applicant in person)

Versus

1. The Chairman, Central Board of Trustees, EPF/
Union Minister for Labour and Employment
Ministry of Labour & Employment
Shram Shakti Bhawan
New Delhi – 110 001
2. The Central PF Commissioner
Bhavishya Nidhi Bhawan
14, Bhikaji Cama Place
New Delhi – 110 066

..Respondents
(Mr. Avinash Ankit, Advocate for Mr. Keshav Mohan, Advocate)

O R D E R (ORAL)

The applicant is in the grade of Regional Provident Fund Commissioner (RPFC) -I (PB-3 - ₹15600-39100 with Grade Pay of ₹7600/-) in Employees' Provident Fund Organization (EPFO). The EPFO has a training institute called 'National Academy for Training and Research in Social Security (NATRSS). The applicant was

deputed to NATRSS as a teaching faculty where he worked from April 2012 to August 2015. EPFO, vide its Annexure A-2 order dated 12.08.2015, granted him one year study leave to pursue LLM (One Year course) conducted by National Law University (NLU), New Delhi. Accordingly, the applicant was relieved to join the LLM course. After completion of LLM from NLU, New Delhi in August 2016, the applicant came back and reported at NATRSS. However, he was not continued as a teaching faculty there and instead was given a posting in the EPFO Headquarter.

2. The applicant, while working as teaching faculty at NATRSS, was entitled for training allowance @ 30% of his basic pay. He drew this amount throughout the period when he worked as teaching faculty at NATRSS, i.e., from April 2012 to August 2015. Since he was deputed for the LLM course for a year at NLU, New Delhi from NATRSS, he continued to be paid the training allowance @ 30% even during the period of his LLM course. He is aggrieved of Annexure A-4 order dated 03.08.2016 whereby the respondents have directed him to refund the training allowance drawn by him during the period of his study leave for the LLM course, i.e., from 24.08.2015 to 24.08.2016, together with interest. Annexure A-4 directs the applicant to refund a sum of ₹1,30,034/- towards it.

3. The applicant had submitted Annexure A-5 representation dated 24.08.2016 to Central Provident Fund Commissioner (respondent No.2) against the recovery ordered from him vide Annexure A-4 order dated 03.08.2016, which was rejected vide

Annexure A-6 order dated 07.09.2017. Thereafter the applicant submitted Annexure A-7 representation dated 02.05.2018 to Chairman, Central Board of Trustees (CBT), who is none other than the Union Minister for Labour & Employment (respondent No.1).

4. Heard the applicant as party in person. No reply has been filed on behalf of respondents. However, Mr. Avinash Ankit, appearing as proxy for Mr. Keshav Mohan, learned counsel for respondents, who is present, has been heard.

5. Considering the nature of controversy involved, I dispose of this O.A. in the following terms:-

(a) Respondent No.1 is directed to decide Annexure A-7 representation of the applicant dated 02.05.2018 within a period of three months from the date of receipt of a copy of this order by way of passing a reasoned and speaking order. While doing so, the respondent No.1 shall keep in view the fact that the applicant was granted one year study leave for pursuing his LLM course from NLU, New Delhi while he was working as a teaching faculty at NATRSS.

(b) The applicant shall have liberty to take recourse to appropriate remedy, as available to him under law, in case he remains dissatisfied with the order to be passed by respondent No.1 on his representation.

(c) The respondents shall not take any coercive measure to recover any amount from the applicant pursuant to Annexure A-4 office order dated 03.08.2016 till the disposal of his Annexure A-7 representation by respondent No.1.

There shall be no order as to costs.

**(K.N. Shrivastava)
Member (A)**

December 17, 2018
/sunil/