

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

ORIGINAL APPLICATION NO.170/00597-00616/2018

DATED THIS THE 04TH DAY OF APRIL, 2019

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

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

1. Namadev Badiger
S/o.Bhimarayappa
Aged about 38 years
Senior Social Security Assistant
Regional Office, Hubballi-25
and residing at C/o S.K.Hegde
H.No.16, Shri Krishna Layout
Laxminagar, Gokul Road
Hubballi-30.

2. Ravindra Kalagaggari
S/o.Kallappa
Aged about 37 years
Social Security Assistant
Regional Office, Hubballi-25
and residing at Banashankari Layout
Lingaraj Nagar Road, Hubballi-31.

3. Prashant Mahendranavar
S/o.Candrappa
Aged about 38 years
Social Security Assistant

Regional Office, Hubballi-25
and residing at Banashankari Layout
Lingaraj Nagar Road, Hubballi-31.

4. Srinivas Pujari
S/o.Ganesh Pujari
Aged about 37 years
Senior Social Security Assistant
EPF Regional Office
Bhavishya Nidhi Bhavan
Navnagar, Hubballi
and residing of H.No.134
Arjun Vihar, Gokul Road
Hubballi-580030.

5. Sharatchandra N.Divate
S/o.Narayan
Aged about 39 years
Senior Social Security Assistant
EPF Regional Office
Bhavishya Nidhi Bhavan
Navnagar, Hubballi
and residing of Shree Guru Krupa
Akkasaligar Oni, Old Hubballi-580024.

6. Shrivallabh Joshi
S/o.Narayan
Aged about 36 years
Senior Social Security Assistant
EPF Regional Office, Bhavishya Nidhi Bhavan
Navnagar, Hubballi
and residing of H.No.103, Neelgund Layout
Navnagar, Hubballi-580025.

7. Shashikant Shivapujimath
S/o.Shivaputrayya
Aged about 40 years
Senior Social Security Assistant
EPF Regional Office
Bhavishya Nidhi Bhavan
Navnagar, Hubballi
and residing of MDRS Staff Quarters
Ganjigatti, Tq:Kalaghatagi
Dist:Dharwad.

8. Shridhar D.Madar
S/o.Dyamanna
Aged about 41 years
Senior Social Security Assistant

EPF Regional Office
Bhavishya Nidhi Bhavan
Navnagar, Hubballi
and residing of H.No.114
Renuka Kunj, Near Tiwak Quarters
Dharwad-580003.

9. Raveendra Kurdekar
S/o.Prabhakar
Aged about 37 years
Senior Social Security Assistant
EPF Regional Office
Bhavishya Nidhi Bhavan
Navnagar, Hubballi
and residing of H.No.38
Ashokvana, Near KEC Gokul Road
Hubballi.

10. Dayanand L.C.
S/o.Laxman
Aged about 34 years
Senior Social Security Assistant
EPF Regional Office
Bhavishya Nidhi Bhavan
Navnagar, Hubballi
and residing of H.No.LIG-138
5th Main 9th Cross
Navnagar, Hubballi.

11. Ganapati R.Tondehitlu
S/o.Ranga
Aged about 35 years
Senior Social Security Assistant
EPF Regional Office
Bhavishya Nidhi Bhavan
Navnagar, Hubballi
and residing of C/o.Iranna S.
Plot No:136, KCC Colony
Gamanagatti Road
Navnagar, Hubballi-25.

12. Shakuntala Hammannavar
S/o.Ramappa
Aged about 37 years
Senior Social Security Assistant
EPF Regional Office
Bhavishya Nidhi Bhavan
Navnagar, Hubballi
and residing at L.V.Talawar

H.No:18/3, Saidapur, Hosa Oni
Gulganjikoppa Road, Dharwad.

13. Dhananjay Morje
S/o.Maruti
Aged about 42 years
Senior Social Security Assistant
EPF Regional Office
Bhavishya Nidhi Bhavan
Navnagar, Hubballi
and residing of LIG 144
Praja Nagar, KHB Colony
Near St.Anthony School
Navnagar, Hubballi.

14. Medini Dixit
D/o.Anant
Aged about 40 years
Senior Social Security Assistant
EPF Regional Office
Bhavishya Nidhi Bhavan
Navnagar, Hubballi
and residing of Plot No:60/A
“Anugraha”, Near Maruti Temple
Srinagar, Unkal Hubballi.

15. Dhiraj Kumar
S/o.Late Lakhnall Azad
Aged about 33 years
Senior Social Security Assistant
EPFO Regional Office
Bhavishya Nidhi Bhavan
No.13, RajaRam Moham Roy Road
Bengaluru-560025
and residing at Qtrs. No.63
Souparnika Block Bhavishyanidhi
Enclave HMT Factory Main Road
Jalahalli, Bengaluru-560 013.

16. Muhammad Basha Shaik
S/o.S.Shaiksha Vali
Aged about 33 years
Senior Social Security Assistant
EPF Regional Office, Yelahanka
Bhavishya Nidhi Bhavan
Maruti Complex
No.2 Maruti Complex, 1st Main
HIG A Sector, Near SBI Yelahanka New Town
Bengaluru-560064.

Residing at Qtrs.No.126
Arkavathi Bhavishyanidhi Enclave
HMT Factory Main Road
Jalhalli,Bengaluru-560 013.

17. K.S.Vijay Kumar
S/o.K.S.Ramachandra
Aged about 33 years
Senior Social Security Assistant
EPFO, Regional Office
R R Nagar, No.570, 26th Cross
Opp.Rajarajeshwari Temple
Bengaluru-560098.
Residing at Qtrs.No.88
Hemavathi Block
Bhavishyanidhi Enclave
HMT Factory Main Road
Jalhalli, Bengaluru-560 013.

18. Ramesh
S/o.Venkatachalapathy
Aged about 45 years
Senior Social Security Assistant
EPF Regional Office
Bhavishya Nidhi Bhavan
No.13 RajaRam Mohan Roy Road
Bengaluru-25.
Residing at No.64 Richess Garden
Rammurthy Nagar, Bengaluru-560016.

19. Sridhar Soore
S/o.S.Chandra Sekhar
Aged about 31 years
Senior Social Security Assistant
EPF Regional Office
Bhavishya Nidhi Bhavan
No.13 RajaRam Mohan Roy Road
Bengaluru-25.
Residing at Qtrs.No.136
Arkavathi Block
Bhavishyanidhi Enclave
HMT Factory Main Road, Jalhalli
Bengaluru-560 013.

20. Panibhate Viswanatha
S/o.Late P.Bhaganna Rao
Aged about 33 years
Senior Social Security Assistant
EPF Regional Office

Bhavishya Nidhi Bhavan
No.13 RajaRam Mohan Roy Road
Bengaluru-25.
Residing at Qtrs.No.104
Hemavathi Block
Bhavishyanidhi Enclave
HMT Factory Main Road
Jalhalli, Bengaluru-560 013.

.....Applicants

(By Advocate Shri M. Subramanya Bhat)

Vs.

1. Union of India

Ministry of Labour and Employment
Shrama Sadan, New Delhi-110 011.
by the Secretary.

2. Central Provident Fund Commissioner

Employees Provident Fund
Organisation, Ministry of Labour
and Employment, Head Office
Bhavishya Nidhi Bhavan
No.14, Bhikaji Kama Place
New Delhi-66.

3. Central Board of Trustees

Employees' Provident Fund
Head Office
Bhavishya Nidhi Bhavan
No.14, Bhikaji Kama Place
New Delhi-66, represented by
the Secretary.

4. Regional Provident Fund Commissioner (Exam)

Head Office
Bhavishya Nidhi Bhavan
No.14, Bhikaji Kama Place
New Delhi-66.

5. Additional Central Provident Commissioner

EPFO, (HQ Karnataka and Goa)
Zonal Office, Kaveri Bhavan
Bhavishya Nidhi Enclave
Rajgopal Circle, HMT Main Road
Jalahalli, Bangalore-13.

6. Regional Provident Commissioner

EPFO, Regional Office

Bangalore-13.Respondents

(By Smt. Shwetha Anand, Counsel for Respondent No. 2-6)

O R D E R (ORAL)

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

We heard Smt. Shwetha Anand, learned counsel for Respondent No. 2 to 6. Since there were several other cases pending in several other places, they had postponed the examination. The crux of the issue, therefore, will be whether the 3 years or 5 years residency period is required. But Smt. Shwetha Anand, learned counsel for Respondent No. 2 to 6, reports that applicants have crossed that 5 year residency period by now and they have, in any case, become eligible to be considered when the examination is being held at a later date. That being so, there is no need to protract the matter any further. There will be a specific mandate in this case that the applicants will be allowed to participate in the examination as and when it is being held. But then a word of caution that, if promotional test is to be undertaken, it has to be done with some dispatch. The OA is therefore disposed off. But then, in case any other issues remain unattended to, we will give them liberty. In any case, if the respondents finds it convenient to conduct the examination, let it be done within the next six months.

2. The OA is disposed off. No order as to costs.

(C.V. SANKAR)

MEMBER (A)

(DR.K.B.SURESH)

MEMBER (J)

/ksk/

Annexures referred to by the applicants in OA.170/00597-616/2018

Annexure-A1: Table showing the service particulars

Annexure-A2: True copy of Office Memorandum dtd.15.11.2007

Annexure-A3: True copy of the Employees' Provident Fund (Officers and Employees' Conditions of Service) Regulations, 2008

Annexure-A4: True copy of the Employees Provident Fund Organisation, Section Supervisor (Head Clerk) (Regional Office) Recruitment Rules, 1992

Annexure-A5: True copy of the Employees Provident Fund Organisation, Section Supervisor Recruitment Regulations, 2017

Annexure-A6: True copy of the DoPT Official Memorandum dtd.31.12.2010

Annexure-A7: True copy of the representation dtd.12.12.2017 by 15th applicant

Annexure-A8: True copy of the notification dtd.21.6.2018 to fill up 112 posts

of Section Supervisors in Karnataka Region

Annexure-A9: True copy of the order dtd.7.1.2016 in OA.No.2242/2013
