

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH
HYDERABAD**

O.A. No.020/0347/2019

Date of Order :26.07.2019.

Between :

O.Y.Rajasekhar Reddy (Group 'C'),
S/o late O.Y.Rama Swamy Reddy,
Aged 51 yrs, Occ:Senior Social Security
Assistant, O/o Regional PF Commissioner,
Regional Office, Kadapa, R/o 42/477-44, Upstairs,
NGO Colony, 6th Line West, Kadapa.

...Applicant

And

Union of India, rep., by :

1. The Central P.F.Commissioner,
Head Office, EPF Organization,
14, Bhikaji Cama Place, New Delhi.

2. Regional Provident Fund Commissioner-I,
Employees Provident Fund Organization,
Regional office, 3rd Lane, Krishna Nagar,
Guntur.

3. Additional Central P.F.Commissioner,
Zonal Office (TS), EPF Organization,
Barkatpura, Hyderabad, Telangana State.

4. Regional P.F.Commissioner-I, Regional Office,
EPF Organization, Kadapa.

5. Additional Central P.F.Commissioner,
Zonal Office (AP), Vijayawada.

... Respondents

Counsel for the Applicant

... Mr.G.Trinadha Rao

Counsel for the Respondents

... Mr.G.Jayaprakash Babu, SC for EPFO

CORAM:

THE HON'BLE MR.B.V.SUDHAKAR, MEMBER (ADMN.)

ORAL ORDER

BY B.V.SUDHAKAR, MEMBER (ADMN.)

2. The OA is filed against the inaction of the respondents in passing appropriate orders on the representation submitted by the applicant on 15.06.2018.

3. The brief facts of the case are that the applicant was appointed as Lower Division Clerk (LDC) in the respondents' Organization and was later promoted as Senior Social Security Assistant (SSSA). While working as SSSA, Kadapa, applicant was transferred to Visakhapatnam on administrative grounds, vide order dated 09.06.2016. The ground for transfer was on an allegation of non-payment of monthly pension payment for the period from 01.10.2009 to 30.04.2014. Based on a complaint made by P.Gousia, a criminal case was also registered in regard to the same. Applicant was suspended, vide order dated 31.10.2016 and the same was revoked w.e.f. 28.07.2017. While revoking the suspension, applicant was transferred to Warangal, vide order dated 25.07.2017. Applicant repeatedly represented on 28.08.2017, 25.09.2017 and 27.04.2018, denying his involvement in the said criminal case. Based on the denial, applicant requested to retain him at Kadapa. However, as it was not considered, applicant filed O.A.No.22/2018 before this Tribunal claiming that he was not involved in the alleged fraudulent payments and also sought retention at Kadapa. This Tribunal, vide order dated 25.04.2018,

directed the respondents to consider the fresh representation of the applicant for retention at Kadapa. Time allowed was six weeks. Applicant accordingly submitted his representation on 27.04.2018, enclosing a copy of the order of this Tribunal. Till date, the representation of the applicant has not been disposed of.

4. The contention of the applicant is that the respondents are not acting on his representation despite directions of this Tribunal in O.A.No.22/2018.

5. The respondents have not filed any reply though the OA was filed on 1st April, 2019. Nearly, 4 months have elapsed, yet there is no reply filed by the respondents.

6. Heard Mr.G.Trinadha Rao, learned counsel for the Applicant and Mr.G.Jayaprakash Babu, learned Standing Counsel for the Respondents.

7 (I) The learned counsel for the Applicant has pleaded that the representation need to be disposed of by the respondents as per the directions of this Tribunal. He has submitted that the respondents be directed to dispose of the same at the earliest.

(II) The learned counsel for the Respondents consented for disposing of the representation by issuing a suitable direction to the respondents.

(III) Before issue of any directions, this Tribunal observes that when an order was issued on 25.04.2018 by the Tribunal to dispose of the representation within six weeks from the date of its receipt, it is not understood as to why the respondents have not complied with the said order. The applicant made a representation on 27.04.2018. It is a matter of serious concern that the respondents have failed to implement the directions of this Tribunal contained in O.A.No.22/2018. As per the observations of the Hon'ble Supreme Court, an order of Court, unless challenged and stayed by a superior judicial forum, has to be implemented. The same has not happened in the present case. Tribunal trusts that the Respondents shall not repeat this folly in future. If repeated, the same may have to be viewed seriously under provisions of suo motu contempt.

(IV) Nevertheless, reverting to the issue on hand, Respondents are directed to dispose of the representation of the applicant dated 27.04.2018, by passing a speaking and reasoned order within a period of two weeks from the date of receipt a copy of this order.

(V) With the above direction, the OA is disposed of. No order as to costs.

(B.V.SUDHAKAR)
MEMBER (ADMN.)

Dated: this the 26th day of July, 2019

DSN.