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HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 711 of 2016**

1. Union of India Ministry of Labour & Employment, Through Secretary, Shram Shakti Bhawan, Rafi Marg, New Delhi- 110001
2. Employees Provident Funds, Organization, (Ministry of Labour And Employment Govt. Of India), Through The Commissioner, Bhavishya Nidhi Bhawan, 14 Bhikaji Cama Place, New Delhi 110066
3. Employees Provident Funds Organization, Chhattisgarh, Through The Regional Commissioner, In Front Of City Centre Moll, Pandari, Raipur, (Chhattisgarh) 492001
4. The Commissioner/ Central Provident Fund Commissioner, Employees Provident Fund Organisation, Head Office, Bhavishya Nidhi Bhawan, 14, Bhikaji Cama Place, New Delhi 110066
5. The Regional Commissioner/ Regional Provident Fund Commissioner, Bhavishya Nidhi Bhawan, Regional Office, In Front Of City Centre Mall, Pandari, Raipur, (Chhattisgarh) 492001

---- Petitioners**Versus**

1. Ku. Reena Kushwaha D/o V.K. Kushwaha, Aged About 27 Years R/o New Shanti Nagar, Gorkha Colony, P.S. Civil Line, Tehsil & District Raipur (Chhattisgarh) 495001
2. Central Administrative Tribunal Jabalpur Bench, Through Its Registrar, Jabalpur, (Madhya Pradesh)

---- Respondents

For Petitioners : Shri Sunil Pillai, Advocate.

Hon'ble Shri Navin Sinha, Chief Justice
Hon'ble Shri P. Sam Koshy, J.

Order on Board**Per Navin Sinha, Chief Justice****27/04/2016**

1. No one appears on behalf of Respondent No.1 despite valid service of notice.
2. O.A. No.203/00575/2014 was filed against the Petitioners impleaded as Respondents, claiming relief for selection as Social Security Assistant against a general category post. Despite repeated opportunities granted, no reply was filed by the Petitioners to facilitate adjudication. In exasperation, the Tribunal on

13.5.2015 directed consideration of the claim. Simultaneously, adverse observations were made against the Petitioners for not rendering proper assistance to facilitate adjudication.

3. Learned Counsel for the Petitioners submitted that they are conscious of their responsibilities and whatever may have happened was purely inadvertent with no intentions. The matter more appropriately fell in the domain of Petitioner No. 5 but Petitioner No. 4 has also had to bear the brunt of the former's inaction, adverse observations with regard to their suitability for the post may be expunged.

4. We have considered the submission on behalf of the Petitioners.

5. It is a matter of common knowledge that the Government is a major litigant today because of its multifarious nature or functions. But, it also has an army of officers who are paid salaries and entrusted with power for discharge of public duties. The order of the Tribunal reveals that several adjournments were granted notwithstanding which no reply was filed. Experience has shown that majority of delay in disposal of cases takes place in getting the case ready for hearing by filing appropriate reply by the Government authorities. Repeated adjournments are taken, some times costs also have to be imposed, which are repaid from public funds rather than the officer concerned, all of which have not helped in expediting the disposal of cases. We can understand a complicated matter raising disputed question of facts and intricate questions of law where the State may take time to decide what stand is to be taken. But, in routine cases like the present, the delay reflected from the order of the Tribunal is incomprehensible and undefendable. While we expunge the observation with regard to suitability of the Petitioners to hold the post, simultaneously, we direct an enquiry to be conducted by persons senior to Petitioners No. 4 and 5 for fixation of responsibility and appropriate disciplinary action against the concerned in light of the same. Principles of natural justice will necessarily have to be complied with. The enquiring authority will then

pass a reasoned and speaking order fixing responsibility of Petitioners No. 4, 5 or any other as the case may be. Fixation of responsibility cannot be left in void. It is considered necessary to give this direction so that there is no recurrence of such incidents before the Tribunal.

6. Let such enquiry be concluded, final orders passed within a maximum period of three months from today and compliance report be submitted before this Court after three months when the matter shall be listed under the heading 'Orders' for perusal.

7. The writ application is disposed.

Sd/-

(Navin Sinha)
CHIEF JUSTICE

Sd/-

(P. Sam Koshy)
JUDGE