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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 11171/2017

**EMPLOYEES PROVIDENT FUND ORGANISATION SECTION
OFFICERS ASSOCIATION**

..... Petitioner

Through Mr. Pranav Sachdeva and Ms. Neha
Rathi, Advs.

versus

CENTRAL BUREAU OF INVESTIGATION & ANR.

..... Respondents

Through Mr. Sanjeev Bhandari, Adv. for CBI
Ms. Superna Srivastva, CGSC with
Mr. Tushar Mathur, Adv. for R-2

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

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15.01.2018

CM No.45737-38/2017

Allowed, subject to all just exceptions.

W.P.(C) 11171/2017

Issue notice. Mr. Sanjeev Bhandari, advocate accepts notice on behalf of respondent no.1.

Ms. Superna Srivastva, CGSC accepts notice on behalf of respondent no.2.

Learned counsel for respondent says that in view of the directions that I propose to pass, she need not file a counter affidavit in the matter.

With the consent of the counsel for the parties, the petition is taken up for hearing and final disposal.

The prayers made in the writ petition is as follows:-

- A. Issue an appropriate writ, order or direction for a thorough and independent investigation by the CBI into the alleged corruption and bribery during the cadre restructuring in EPFO.
- B. Pass such other order(s) this Hon'ble Court may deem fit and appropriate in the facts and circumstances of the present case."

The aforesaid prayers are predicated on the allegations made by the petitioner association that there is corruption in cadre restructuring. It is alleged that in certain cases undue advantage has been given to certain officers by according them double promotion.

The petitioner association as it appears has lodged a complaint in this behalf with the CVO. This complaint was lodged via a communication dated 23rd August, 2016. Apparently, complaints were also lodged with the Central Bureau of Investigation (for short 'CBI') vide communications dated 29th July, 2016 and 26th September, 2016.

Mr. Pranav Sachdeva, counsel for the petitioner association says that there has been no movement in the matter.

Accordingly, to him the fact that the CVO has done nothing in the matter till date would require this Court to issue a direction to the CBI to investigate the matter. On the other hand, both Mr. Sanjeev Bhandari, advocate for CBI and Ms. Suparna Srivastva, CGSC for respondent no.2 say that the approach can only be incremental.

I have heard learned counsel for the parties. At this stage I tend to agree with the counsels for respondents that the approach can only be incremental starting with the CVO. Accordingly, the CVO is directed to deliberate on the complaint preferred by the petitioner association. The CVO will consider the matter and, if necessary, take inputs from the representatives of the petitioner association and assistance of the CVC and then render a decision in the matter. The needful will be done by the CVO no later than five weeks from today. In case the CVO comes to the conclusion that the matter needs to be escalated and that there is an element of criminality in the matter he will trigger the penal process. If necessary, he will also refer the matter to the CBI.

Needless to say in case the petitioner association is aggrieved by the decision rendered by the CVO, it would have liberty to approach the Court in accordance with law.

In order to effectuate this direction the CVO will communicate its decision in the matter to the petitioner association.

The copy of the order be given dasti to counsel for all the parties.

The writ petition and all pending applications are disposed of accordingly.

RAJIV SHAKDHER, J

JANUARY 15, 2018
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