

Date of decision: 07.02.2024

**Employees' Provident Fund Officers' Association and another
.....Petitioners**

 V/s

Union of India and others

...Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Mr. Kamal Sehgal, Advocate
for the petitioners.

Ms. Divya Sharma, Sr. Panel Counsel
for the respondents No.1 and 2.

DEEPAK SIBAL J. (ORAL)

The present petition is directed against the order dated 19.01.2024 passed by the Central Administrative Tribunal, Chandigarh Bench, Chandigarh (for short, the Tribunal) declining interim relief to the petitioners.

2. Through an Original Application (for short-OA) filed before the Tribunal, the petitioners had challenged order dated 05.10.2023 of the Department of Personnel and Training, Government of India (for short, the DoPT) through which order the DoPT had written to the Ministry of Labour and Employment, Government of India that the classification of posts into Group-A, B and C would not apply to the employees of the Employees Provident Fund Organization (for short, EPFO).

3. The petitioners had challenged the aforesaid order of the DoPT *inter-alia* on the grounds that in the EPFO the posts were classified into groups under the applicable recruitment rules promulgated under Section

5D(7)(a) of the Employees Provident Fund and Miscellaneous Provisions Act, 1952 (for short, the 1952 Act); by ordering to do away with the afore classification the DoPT had virtually amended the EPFO's Recruitment Rules; only the authority competent under the 1952 Act could have amended the recruitment rules applicable to the EPFO; such authority was not the DoPT; the EPFO was an autonomous body; thus, DoPT had no jurisdiction to pass the impugned order; Schedule III of the Employees Provident Fund (Officers and Employees Conditions of Service) Regulations 2008 clearly provided for classification of the officers and employees of EPFO viz-a-viz employees of the Central Government; classification of the posts provided in Schedule III of the aforesaid Regulations was the only way to compare the posts in the EPFO with the posts of the Central Government and therefore, once this classification was done away with, it would be virtually impossible for the employees of the EPFO to claim benefits available to equivalent posts in the Central Government.

4. In response to the notice issued by the Tribunal, only respondents No.3 and 4 filed a short reply through which it was stated that the order impugned by the petitioners was only advisory in nature; thus, the petitioners had no cause to approach the Tribunal; the posts in the EPFO were in the process of being re-classified and therefore, the petitioners' OA was premature.

5. After noting the afore conflicting stands, through the impugned interim order, the Tribunal has declined to grant interim stay to the petitioners for the reason that the matter with regard to the reclassification of posts in the EPFO was under active consideration of the respondents.

6. In the absence of any response by the contesting respondents i.e. respondents No.1 and 2, the petitioners’ prayer for interim stay has been considered and declined by the Tribunal.
7. The afore referred issues raised by the petitioners before the Tribunal have though been noted by the Tribunal but have not been opined upon.
8. Reasons are the soul of a judicial order and an order without its soul has no place in the judicial world. Every judicial order must be backed by sound reasons as they ensure that the decision is not a result of whim of its author and that the same is just. A reasoned order is also in line with the principle that justice should not only be done but also seem to have been done.
9. The impugned interim order dated 19.01.2024 is bereft of reasons as it does not deal with most of the issues raised before the Tribunal. Therefore, it cannot be sustained. Resultantly, the same is set aside.
10. The matter is remitted to the Tribunal for deciding afresh the prayer for interim stay made by the petitioners by passing a reasoned order, in accordance with law.
11. Since the prayer of the petitioners is for interim relief, the Tribunal is requested to take up the matter on priority basis.
12. The present petition is disposed of in the above terms.

(DEEPAK SIBAL)
JUDGE

(DEEPAK MANCHANDA)
JUDGE

07.02.2024
Sapna

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No