

Central Administrative Tribunal
Principal Bench : New Delhi

OA No.813 of 1996

New Delhi this the 3rd day of September 1996

Hon'ble Mr A.V.Haridasan, Vice Chairman (J)
Hon'ble Mr R.K.Ahooja, Member (A)

Parmod Kumar
S/o Sh. Ram Vir Singh
R/o B-43 NPL Colony
New Rajinder Nagar
New Delhi. ...Applicant.
(By Sh.G.S.Lobana, advocate)

Versus

Union of India through Secretary
Miistry of Water Resources
Shram Shati Bhawan
New Delhi-11001 ...Respondents.

(By Sh. M.K.Gupta, advocate)

O R D E R (Oral)

Hon'ble Mr A.V.Haridasan, Vice Chairman (J)

This application filed by the applicant, Pramod Kumar, a casual labourer under the respondent, is directed against the action of the respondents in not paying him full wages to which he is entitled. Therefore, he has prayed that the respondents may be directed to pay him all the arrears of less paid wages since his engagement under the respondent with effect from January 1994 alongwith interest at the rate of 12% per annum.

2. The respondents in their reply though have opposed the grant of relief have stated that the difference as claimed in the application has already been drawn and paid to the applicant. Respondents have also annexed a due and drawn statement which shows the payment of arrears to the

applicant. We have perused the pleadings and also heard the learned counsel for the parties. We find that the respondents have shown minus arrears which obviously is incorrect. Having made the payment to the applicant at a particular rate even before filing of this application for a certain number of days, the respondents cannot now contend that he had not wanted for the number of days for which payment at a lower rate was made. Therefore, the respondents had to be directed to pay the difference between what was paid to the applicant and what is actually due to him for the days mentioned in the application and for which payment at a lower rate was made.

3. In the result, the application is allowed and the respondents are directed to pay to the applicant the difference between what has been paid to him and what is actually due to him as per rates applicable to casual labourers. The payment of balance arrears shall be made within a period of one month from the date of receipt of this order.

4. As the applicant who is ~~under~~ indigent circumstances has been unnecessarily driven to the Tribunal by the respondents' inaction in not making proper payment and as the case was taken up by the counsel under free legal aid, we are of the considered view that under the circumstances, the respondents have to be directed to pay costs. Therefore, the respondents are directed to pay Rs. 500/- as costs to the applicant. This shall also be paid within a month from the date of receipt of this order.

R.K.Ahooja
(R.K.Ahooja)

Member (A)

A.V.Haridasan
(A.V.Haridasan)
Vice Chairman (J)