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In the Central Administrative Tribunal  
Principal Bench, New Delhi.  
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Regn. No.OA-1377/88

7.10.1993

Shri Lal Chand

.... Applicant

Versus

Union of India

.... Respondents

For the Applicant

.... In person

For the Respondents

.... None

Coram: Hon'ble Mr. J.P. Sharma, Member (Judl.)  
Hon'ble Mr. B.K. Singh, Member (A)

1. To be referred to the Reporters or not?

Judgement (Oral)

(By Hon'ble Mr. J.P. Sharma, Member)

The applicant had served in the Indian Army earlier from where, he was discharged and was occasionally engaged as a casual labourer on daily wages with Commandant No.4, RPD, Delhi Cantt. from 16.10.1980 to 17.11.1986. The case of the applicant is that he worked till January 31, 1987 and was arbitrarily discharged from service without any enquiry or show-cause notice. He claims the wages for 506 days from September, 1984 to January, 1987, amounting to Rs.8,100/-. He made repeated oral requests, but to no avail. His services have also not been regularised. He filed the present application on July 12, 1988 for the grant of the reliefs (i) direction to the respondents to reinstate him with full back wages w.e.f. January 31, 1987 and <sup>(ii)</sup> the payment of the withheld amount of earned wages amounting to Rs.8,100/- from September 2, 1984 to January 31, 1987. A notice was issued to the respondents, who contested the application and stated that the applicant on his own, did not turn up kafter 17.11.1986. It is further stated that

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the applicant has been paid wages for the period he has worked, the details thereof have been given in sub-para. (b) of para. (vi) of the counter stating that the payments were made on the rates recommended by the Station Headquarters, Delhi Cantt. and approved by CDA, Western Command. Year-wise break-up of the number of days worked by the applicant and the amount calculated on that basis, has been shown.

2. Thus, according to the respondents, the applicant has no case. We have heard the applicant in person and none appears for the respondents. We perused the pleadings and the counter filed by the respondents and the relevant record annexed to the pleadings.

3. The applicant has a diary with him and says that he had worked overtime and obtained signatures of the Shift Incharge. We have also seen that diary, but that does not make any sense. Certain dates are written therein serially and appear to have been initialled by some person, Devi Singh. However, there is no said averment in the application regarding the overtime or that the applicant was working under certain Shift Incharge and that he used to obtain his signatures about his attendance and working from him. In the absence of any such averment, there is no mention of any such fact in the counter.

4. In view of the above facts and circumstances, though the applicant appears in person and looks quite old, we are helpless to get any details about his


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withheld amount from the respondents. The applicant has to establish that he has worked for a particular period for which he has not been paid. In the absence of the same and in sympathy, magnanimity or mercy, we cannot come to the aid of the applicant even though he appears to be very old.

5. It also does not stand to reason that the applicant who comes from a lower strata of society, allowed a long balance of daily working for the period from September 1984 to January, 1987 outstanding against the respondents. When he was asked as to how he met the expenses on his subsistence, he replied that he also used to do odd work of Homeguards, etc. However, this is besides the point. The main question is that there is no authentic, reliable averment in the application or any document in support thereof to grant relief prayed for about the alleged withheld amount of Rs.8,100/- from September, 1984 to January, 1987.

6. We do not find any substance in the application and the same is dismissed, leaving the parties to bear their own costs.

  
(B.K. Singh)  
Member (A)

  
(J.P. Sharma) 7.10.93  
Member (J)