

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
(ALLAHABAD BENCH) ALLAHABAD.

C.A. NO.
FA. NO.

671

OF 1990

Date of decision---

...Union of India & ors.....Petitioner

.....Advocate for the petitioner

Versus

.....Sri. Nath.....Respondent

.....Advocate for the Respondents

XXXXXXXXXXXX

CORAM :-

The Hon'ble Mr. Justice U. C. Srivastava, V.P.

The Hon'ble Mr. K. O. Bhatia, A.M.

1. Whether Reporters of local papers may be allowed to see the judgment ✓
2. To be referred to the Reporter or not ? ✓
3. Whether their Lordships wish to see the fair copy of the judgment ? ✓
4. Whether to be circulated to all other Benches ? ✓

Signature

NAQVI/

(2)

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CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH.

...

Registration O.A. No. 671 of 1990

Union of India
and others

... .. Applicants.

Versus

Shri Sri Nath

... .. Respondent.

Hon'ble Mr. Justice U.C. Srivastava, V.C.
Hon'ble Mr. K. Obayya, Member (A)

(By Hon. Mr. Justice U.C. Srivastava, V.C.)

The respondent was working as Casual Labour in the office of the Dy.C.S.T.E.(Construction Microwave), North Eastern Railway, Gorakhpur. His services were terminated on 14.3.1984 on account of unauthorised absence from duty. He filed a suit against the same and his suit was decreed ex-parte by the Munsif vide its order dated 4.4.1985.

2. According to the applicants, i.e. the Union of India and others, the respondent never worked after 14.3.1984. He filed an application under Section 15(2) under the Payment of Wages Act for the period 17.3.1984 to 30.11.1985 which was dismissed by the Workman Compensation Commissioner and Prescribed Authority vide its order dated 13.3.1989. He filed yet another application under Section 15(2) for the period 1.12.1985 to 31.1.1987 with the same allegations and according to the Respondents although, he was engaged as a Casual Labour and he had not worked on any day, but the Workman Compensation Commissioner and Prescribed Authority illegally allowed ^{his} application vide order

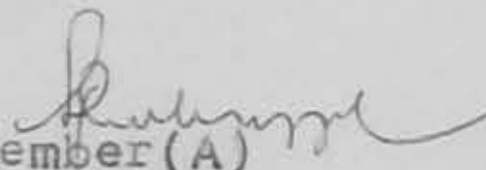
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and judgment dated 30.3.1990. Now the first application filed by the respondent² was dismissed on the ground that he has not worked but so far as the second application is concerned, the finding which was recorded rather became final between the parties. The second application could not have been disposed of without taking into consideration the findings of the earlier period and its legal consequences.

3. Accordingly, the application is allowed and the order passed by the prescribed authority dated 30.3.1990 is quashed and the prescribed authority is directed to decide the case of the applicants' Union of India and others in accordance with law after taking into consideration the pendency of the earlier appeal and its consequences. The application is allowed as above. No order as to costs.


Member (A)

Dated: 8.2.1993
(n.u.)


Vice-Chairman