

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL (ALLAHADAD BENCH) ALLAHADAD.

D.A.N.U.

316/90

OF 199

F.A.N.O.

Date of decision: 12-4-93

..... Union of India Petitioner

..... Shri C. P. Pernwal .. Advocate for the petitioner.

Versus

..... Shri. Murat Respondents.

..... Sri. Rama Rao & Family .. Advocates for the Respondent(s)

CURAM :-

The Hon'ble Mr. Justice U.C. Sowastha, VC

The Hon'ble Mr. V. K. Seth, AM

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 ? ✓

NAQVI/

Signature

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CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH

Original Application No. 316 of 1990

Union of India Applicant
Versus
Shiv Murat Respondent

CORAM :

Hon. Mr. Justice U.C. Srivastava, V.C

Hon. Mr. V.K. Seth, Member(A)

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

In this case the Union of India challenged the impugned order passed by the District Judge Mirzapur dated 23.12.89 as well as the order passed by the Payment of Wages Authority dated 16.2.85. The respondent -t was working as Gangman at Churk and during the course of duty, he received injuries on 24.6.82 and was hospitalised in the Railway hospital Allahabad till 1.9.82 and he joined his duty on 2.9.82. Despite repeated demands the respondent was not paid wages for the aforesaid period. The respondent further claimed that since 15.1.83, he was not paid wages without any reasons. The respondent prayed for payment of deducted wages for the period from 25.6.82 to 1.9.82 and from 15.1.83 till the presentation of the application together with ten times compensation. The applicants admitted the liability regarding the payment of wages for the period from 25.6.82 to 1.9.82. They, however, pleaded that the wages from 25.6.82 to 23.8.82 were

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paid to the ~~applicant~~ ^{respondent} on 8.9.82 and for the remaining period on 15.1.84. They further alleged that the respondent was transferred by the order dated 30.12.82 from Churk to Chunab but instead of complying with the transfer order, he absented from duty w.e.f. 7.1.83 for the reasons best known to the respondent.

2. The Prescribed Authority believed the statement of the respondent and held that of course he was never served with the order and that is why he was allowed in entirety. In appeal the District Judge came to the conclusion that as a matter of fact he refused to accept the copy of the transfer order and an oral information was given and he was avoiding to join the transfer post which was not allowed and he was not entitled to claim any wages and that is why the appeal was partly allowed holding that he had knowledge of the transfer order, as such he will not be entitled to any wages and deducted wages from 25.6.82 to 23.8.82 together with one time compensation and delayed wages from 24.8.82 till 1.9.82 together with damages amounting to Rs.25/- and Rs.100/- as cost was upheld.

3. Shri G.P. Agrawal learned counsel for the Union of India contended that the order is without jurisdiction. If that order is without jurisdiction, obviously this application could not have been entertained. Even that order was/within the jurisdiction of the District Judge, the order ^{not} He further contended that the payment of a particular sum has already been made. If that be so, the

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the said amount will not be paid again and the order passed by the Prescribed Authority shall be deemed to have been modified to this extent that the respondent will be entitled to the amount which has been so awarded minus the amount which has already paid to him. No order as to costs.

h/s

Member(A)

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Vice Chairman

Dated: 12.4.1993

(Uv)