

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

D.A. NO.:
T.A. NO.:

565 4 1990

DATE OF DECISION: 7.6.93

U.O. I:

PETITIONER(S)

Sri G. P. Agarwal

ADVOCATE FOR THE
PETITIONER

VERSUS

Smt. Laxmi & Others

RESPONDENT (S)

Sri H. P. Chakravarti

ADVOCATE OF THE
RESPONDENTS


C O R A M

The Hon'ble Mr. S. Das Gupta A.M.

The Hon'ble Mr. T. L. Verma J.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 Bench ?

No


SIGNATURE

FINISH/

(11) ⑦

CENTRAL ADMINISTRATIVE TRIBUNAL,
ALLAHABAD BENCH

Dated On 7th June 1990

O. A. No. 565 of 1990

Union of India through D.R.M. Jhansi
and Additional Chief Mechanical Engineer,
Jhansi Central Railway Applicant.

(By Advocate Shri G. P. Agarwal)

Versus

~~Late Smt. Pancham W/o. late Pancham, 59, Inside Badagaon Gate, Jhansi.~~
~~Residents of 59, Inside Badagaon Gate, Jhansi.~~

- 1/1. Smt. Laxmi W/o. late Pancham
- 1/2. Pratap Singh S/o. late Pancham
- 1/3. Suresh S/o. late Pancham
- 1/4. Jagdish Prasad s/o. late Pancham
- 1/5. Rajesh s/o. late Pancham
- 1/6. Smt. Malathi D/o. late Pancham

Residents of 59, Inside Badagaon Gate,
Jhansi

..... Respondents.

(By Advocate Shri H. P. Chakravorti)

C _ O _ R _ A _ M

JK
Hon'ble Mr. S. Das Gupta, Member-A,
&
Hon'ble Mr. T. L. Verma, Member-J.

O R D E R

1. This application under Section 19 of the Central Administrative Tribunal's Act has been filed by the Union of India for modifying the award passed by the Prescribed Authority, under the Payment of Wages Act, by its order dated 23.12.1988 in P.W. Case No. 174 of 1984.

2. Late Pancham was employee as Boiler Maker Chargeman in Central Railway Jhansi. He retired on 29.2.1984. As he was involved in a criminal case, he was not paid full salary for the period from 9.9.1976 to 24.4.1982. He therefore, filed P.W. Case No. 174 of 1984 before the Prescribed Authority under the Payment of Wages Act for a direction to ^{the} Union of India to pay the deducted wages as given in Annexure appended to the application. Union of India appeared before the Prescribed Authority and filed a written statement. The case of the applicant before the Payment of Wages Authority, as would appear from the written statement (Annexure-A-3) was that the amount found due to the applicant was worked out and due and drawn statement had been prepared and sent to the Senior Divisional Accounts Officer, Jhansi for verification and preparation of the Cheque, and that the same shall be paid to the claimant after completing necessary formality. It appears that there was some delay in making the payment. The prescribed Authority, without waiting for the payment made, passed the impugned award

(13)

(3)

allowing a sum of Rs. 59,000/- to the applicant as the amount due.

3. The learned counsel for the applicant has submitted that the award has been passed by the Prescribed Authority without application of mind inasmuch as the award has been passed for a sum of Rs. 59,000/- whereas the applicant has made a claim for a sum of Rs. 37,880/-. The impugned award, therefore, it was submitted on the fact of it, is illegal and should be set-aside. According to the petitioner, the amount due as worked out has already been paid to the respondent by cheque No C-545423 dated 20.3.1989 for Rs. 37,905/- and that nothing was due now to the respondent from the applicant. The respondent died during the pendency of the application. In his place his heirs have been substituted and arrayed as respondent Nos. 1/1 to 1/6.

4. We have heard the learned counsels for the parties and perused the record. The details of the claim have been given in Annexure-A-1 appended to the application filed by the respondent before the Prescribed Authority. The respondent has not disputed the correctness of the details of the claim of the respondent as given in Annexure-A-1. We have perused the said annexure. The claim pertains to the period from September, 1976 to 1982. According to the details given in the said schedule, the applicant had made a claim for a sum of Rs. 37,880/- only as the difference of wages paid and due. That being so, the award of Rs. 59,000/- passed by the Prescribed Authority on the face of it is illegal, hence the same can not be sustained. It may not

be out of place to mention here that the respondent has not disputed the payment of a sum of Rs. 37,905/- by cheque No.C-545423 dated 20.3.89

5. For the reasons stated above, this application is allowed and the award dated 23.12.1988 is quashed and the case is remitted with a direction to the Prescribed Authority, under the payment or Wages Act to pass fresh order in the light of the observation made ^{above} ~~out~~, after giving notice to the parties.

S. M. Ma
Member (J)

W. E.
Member (A)

/VKP