

(S)

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

Original Application No. 1509 of 1992

Union of India Petitioner

Versus

Shyam Lal Respondent

HON'BLE MR. JUSTICE R.K. MARMA, V.C.

HON'BLE MISS. USHA SEN, MEMBER (A)

(By Hon. Mr. Justice R.K. Varma, V.C.)

This is an application filed by the Union of India through General Manager, Northern Railway Allahabad seeking the relief to set aside the order dated 30.6.92 passed by the Respondent No.2, the Prescribed Authority under Payment of Wages Act Allahabad in P.W. Case No. 131/91 Shyam Lal Vs. Union of India and Ors (Annexure A-1 to the petition).

2. The Payment of Wages Authority proceeded against the applicant ex parte since the applicant did not participate despite notice. An ex parte award of Rs.1,16,457.50p as arrears of wages together with compensation of Rs.3,49,372.50p has been made against the applicant by the impugned order dated 30.6.92 (Annexure A-1 to the petition).

3. The learned counsel for the applicant has sought setting aside the ex parte order dated 30.6.92 (Annexure A-1 to the petition) and the learned counsel for the respondents has also stated that the ex parte order be set aside upon costs of Rs.500/- to be paid to the claimant respondent no.1.

4. Upon the agreed submission made by the learned ^{hereby} counsel for the parties, we ~~direct~~ set aside the award made by the Prescribed Authority under Payment of Wages Act, Respondent No.2 containing the impugned order dated 30.6.92 (Annexure A-1 to the petition), subject to payment of

:: 2 ::

cost of Rs.500/- to be paid by the applicant to respondent no.1 within two months from the date of this order. The case is remanded to the respondent no.2 for re-trial on a bipartite hearing. Parties are directed to appear before respondent no.2, the Prescribed Authority under Payment of Wages Act, Allahabad on 24.5.94.

Umesh
Member (A)

R.K. Varma
Vice Chairman

Dated: April 15th 1994

Uv/