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CENTRAL ADMINISTRATIVE TRIBUNAL,
ALLAHABAD BENCH, ALLAHABAD.

O.A. No.12/92

(Connected with O.A.No.11/92 & 13/92)

Union of India & Others Applicants

Vs.

M.A. Khan Respondent

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

Hon. Mr. K. Qayya, A.M.

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

The Union of India has filed this application against the order dt. 16-9-89 passed by the Prescribed Authority in respect of the application filed by the respondent under payment of wages Act. In the application filed by the respondent it was stated that the respondent was not paid the total amount of gratuity and the deductions were wrongly made. The respondent claimed that he was working in the grade of Rs.700-900 and that the gratuity calculated by him came to the amounts mentioned by him. It appears that on behalf of Railway administration an appearance was put in and subsequently there was no appearance and the case was disposed of exparte.

2. The applicants Union of India, has filed this application alleging that only when the recovery notice was received they came to know about the matter and no orders of the Prescribed Authority were received by the Divisional Railway Manager, Northern Railway, Allahabad, and the applicants were never informed of any further proceedings in the matter and that is why no further action was taken by them. An application

for condonation of delay in filing the application has been filed. The writ petition filed by the respondent in the High Court has been transferred to this Tribunal by operation of law and we have dismissed the same to-day. In the same judgment we have held that the respondent was not entitled for the higher grade as per the restructuring Circular of the Railway Board as claimed by the respondent and he has been rightly given the grade of Rs.550-750.- If the amount of gratuity is calculated on the basis of this pay scale, the respondent is not entitled for the amount of gratuity as mentioned and therefore, the order passed by the Prescribed Authority is quashed. It is open for the Govt. to withdraw the amount which is still in deposit. The same decision applies in the cases of O.A.No.11/92 and O.A.No.13/92. No order as to cost.

A.M.

V.C.

Dated 22nd July, 1992, Allahabad.

(Na.)