

CENTRAL ADMINISTRATIVE TRIBUNAL,  
ALLAHABAD BENCH  
ALLAHABAD.

O.A. No. 571 / 92

Union of India ... Applicant

Vs.

Durga Prasad and another .. Respondents.


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


Hon. Mr. K. Obayya, A.M.

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

The Union of India has approached this Tribunal against the order dated 28-10-1991 directing to pay a sum of Rs.8550/- wages and Rs.59,850/- compensation and Rs.200/- costs of the proceedings within a period of 30 days. It appears that the respondent was working as M.L.Ct. in D.R.M.(W) on a monthly salary of Rs.900/- per month. He was transferred from D.R.M.(W) to CPWI(S) vide order dated 18-2-86. According to the respondent he has reported for duty on the transferred place on 7-3-86, but he was not allowed to join. He reported to the D.R.M.(W) but since 18-2-86 to 3-10-86 he has not been given job, so he is entitled to wages of Rs.8550/- for the aforesaid period and ten times compensation thereon. The applicant opposed the prayer ~~that~~ <sup>and</sup> stated that the respondent No.1 along with 3 persons were transferred and except the respondent No.1 all other persons have reported for duty in the places where they have been transferred. The respondent No.1 did not report for duty and nobody refused to give him work at the transferred place. He never attended the work nor discharged his duties and it was not a case which was covered by the payment of Wages Act as it was not case of delayed payment or deduction from wages.

As the respondent has not performed his duty in a particular place during particular period, ~~he~~ was not entitled to salary. If he has claimed salary for this period it was beyond the competence of payment of wages Act and the same cannot be adjudicated u/s.15 of the payment of wages Act. We are in agreement with the contention raised by the learned Counsel for the applicant that this is not a case of delayed payment of wages ~~nor~~ a deduction from wages. It was a matter which could have been decided under the rules as to whether respondent No.1 was entitled to wages or the period was to be treated as 'break in service' or otherwise in accordance with the relevant provisions of Rules. Accordingly this application deserves to be allowed and the order dated 28-10-91 is quashed. No order as to the cost.

  
Member (A)

  
Vice-Chairman.

Dated: 14th August, 1992, Allahabad.

(tgk)