

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD.

Allahabad this the 09th day of November 2001.

Review Application no. 32 of 1999

in

Original Application no. 92 of 1998

Hon'ble Mr. Justice RRK Trivedi, Vice-Chairman

Laloo Prasad Tripathi,
S/o Late Ram Vishal Tripathi,
R/o 450 Ganga Nagar Colony,
Mohalla Sadipur, Fatehpur (UP).

... Applicant

By Adv : Shri PK Mishra

Versus

1. General Manager Communication UP Circle, P.M.G. Building,
Hazaratganj,
LUCKNOW.
2. Telecom Divisional Engineer, Raibarilly,
RAIBARILLY.
3. Sub Divisional Officer (Telegraph),
FATEHPUR (UP).
4. Union of India, through Secretary, Ministry of
Communication, Sanchar Bhawan, Parliament Street,
NEW DELHI.

.... Respondents

By Adv : Sri DS Shukla

2.

O R D E R

Hon'ble Mr. Justice RRK Trivedi, VC

This review application has been filed against order dated 25.9.1998 passed in OA no. 92 of 1998, the review application has been filed on 8.7.1999. There is delay ^{of u} ~~for~~ more than 200 days in filing this review application. The applicant has also filed Misc. Appl. no. 3002 of 1999 for condonation of delay in filing review application.

2. It is an admitted position that the applicant received free copy of the judgment under review from the Tribunal on 13.10.1998 through his counsel. Thus it cannot be said that the applicant or his counsel were ^u ~~aware~~ about the contents of the order. The applicant has tried to say that he learned on 10.5.1999 through Head Assistant of his office i.e. after about 6 months from the date he received the copy of the order, that he will not get the back wages. This explanation is not convincing as the copy of the order passed through the ^u ~~hand~~ of the learned counsel for the applicant.

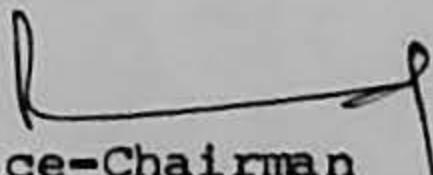
3. Sri PK Mishra, learned counsel for the applicant submitted that ^u ~~through~~ the Tribunal has said that the applicant will not be paid back wages on the principle no work no pay, but as the Tribunal had already passed the interim order dated 3.2.98 and the applicant under the strength of ~~interim~~ order of this Tribunal had worked for some times, he must get salary of that period. The respondents are legally bound to pay the amount on ~~which~~ dates he worked under interim order dated 3.2.98.

....3/-

3.

4. Sri DS Shukla, learned counsel for the respondents, could not dispute this factual and legal position that interim order was passed by this Tribunal directing the respondents to continue the applicant on work. If this was the position then in my opinion the applicant is entitled for this much relief that in case he had worked under the interim order he will be entitled to ~~back~~ wages for the period he had worked. In these circumstances this application can be disposed of without reviewing the order dated 25.9.1998, but with a clarification/direction to pay the applicant for the period he worked under the interim order, and this way ends of justice will be served.

5. The review application is accordingly disposed of with the direction to the respondents to ~~ascertain~~ from their records the dates for which the applicant worked under interim relief dated 3.2.1998. According to the applicant he worked from 3.2.1998 to 7.6.1998. After verification the respondents shall pay the wages for the days he had worked. No order as to costs.



Vice-Chairman

/pc/