

CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

C.A.No. 66/94 & 84/95

in

O.A.NO. 645/1993

~~T.A.NO.~~

DATE OF DECISION 26-6-1996.

Mohmedbhai Yusufbhai Patel, Petitioner

Mr. A.M. Raval, Advocate for the Petitioner [s]
Versus

Union of India & Ors. Respondents

Mr. Akil Kureshi, Advocate for the Respondent [s]

CORAM

The Hon'ble Mr. Justice A.P. Ravani, Chairman.

The Hon'ble Mr. K. Ramamoorthy, Admn. Member.

JUDGMENT

- 1, Whether Reporters of Local papers may be allowed to see the Judgment ? *Yes*
- 2, To be referred to the Reporter or not ? *NO*
- 3, Whether their Lordships wish to see the fair copy of the Judgment ? *NO*
- 4, Whether it needs to be circulated to other Benches of the Tribunal ? *NO*

Mohmedbhai Yusufbhai Patel,
Post: Jitali,
Tal: Ankleshwar
Dist: Bharuch.

..... Applicant.

(Advocate: Mr. A.M. Raval)

Versus.

1. Union of India,
Notice of the contempt be
served through Secretary,
Department of Telecommunication,
Sanchar Bhavan,
New Delhi.

2. Mr. T.K. Roy,
Deputy Engineer (Telephones)
Telephone Building,
Opp. Bharti Talkies,
Ankleshwar, Dist: Bharuch.

3. Shri C.I. Gohil
Senior Divisional Manager
of Telephones,
Telephone Building
Opp. Bharati Talkies,
Ankleshwar, Dist: Bharuch.

..... Respondents.

(Advocate: Mr. Akil Kureshi)

ORAL ORDER

C.A.No. 66/1994
and
C.A.No. 84/1995
in
O.A.No. 645/1993

Date: 26-6-1996.

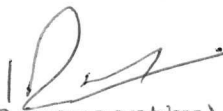
Per: Hon'ble Mr. Justice A.P. Ravani, Chairman.


The respondents have complied with the order passed by this Tribunal in O.A.No. 645/93 decided on January 1, 1994 by reinstating the workman and by making payment of wages except for the holidays and sundays. The application for contempt, ^{is filed on} for the allegation that he should have been paid wages for the period of holidays and, ^{should} also be paid the bonus as per the rules.

2. ^{As per} the holidays are concerned, he would be entitled the wages for paid holidays in view of the decision

only
only
only

of the Supreme Court in the case of Workmen of American Express International Banking Corporation V/s. Management of American Express International Banking Corporation, reported in AIR 1986 Lab.I.C page 98, whether the workmen would be entitled for the ~~wages~~ ~~of~~ amount of bonus is a disputed question of fact. The contention of the Railway is that since the temporary status ~~employees~~ ^{acquired} was not ~~entitled~~ ^{by the applicant he is not entitled to} the bonus, ~~as per the provisions,~~ ^{on this case.} There is a genuine dispute, Therefore, on this count no order can be passed in application for contempt. In the result it is directed that the respondents shall calculate the amount of wages payable to the workman even for the period of holidays i.e, Sundays and other paid holidays. The calculation shall be made latest by July 31, 1996 and the amount shall be paid to the applicant latest by August 31, 1996. If the amount is not paid latest by August 31, 1996 it shall carry the interest ^{at the rate of} of 18% from the date of this order till the amount is paid. It is further clarified that in addition to the liability to make payment ^{of} ~~with~~ interest as stated above, in case ^{the amount} ~~of payment~~ is not paid within stipulated period, the officer concerned shall also be liable for actions for contempt. In view of the aforesaid observations/^{direction} the C.As stand disposed of accordingly. ^{of}


(K. Ramamoorthy)
Member(A)


(A.P. Ravani)
Chairman