

THE CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH-LUCKNOW.

O.A. NO. 575 of 1990.

The Union of India &..... Applicant.

Versus

Laik Khan..... Respondent.

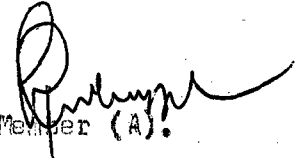
Hon'ble Mr. Justice U.C. Srivastava-V.C.

Hon'ble Mr. K. Obayya - A.M.

(By Hon'ble Mr. Justice U.C. Srivastava-V.C.)

Sri G.P. Agrawal learned counsel for the respondent moved an application under Section 15 of the Payment of Wages Act, praying that the ^{respondent} has been working with the Railway Administration, but from the month of November, 1936 to October, 1937 total amounting to Rs. 12,400/- has not been paid to him. From the month of November and December the wages were calculated i.e. Rs. 1200/- thereafter at the rate of Rs. 700/- in view of the revised pay scale. He also prayed for 10% compensation. The respondents despite service of the notice did not appear and the Prescribed Authority vide its judgment dated 10.12.88 after considering exparte evidence held that the claim of the applicant was proved and accordingly passed an order that he was entitled to a sum of Rs. 19,400/- as wages, Rs. 1000/- as compensation and Rs. 200/- as costs, total amounting to Rs. 29600/-. The Railway Administration did not file any appeal against the same. But the respondents feeling aggrieved against the amount, filed an appeal. The appeal came up for hearing before IInd Additional District Judge who enhanced the amount of compensation to be Rs. 9,700/- instead of Rs. 1000/- that is half of the amount which ^{was} awarded to the applicant as wages. Against the said the Union of India has challenged the same by filing this application before this Tribunal. The Union of India submitted ^{to} the order passed by the authority under payment of Wages Act and as such it is no longer open for it to challenge the said order. The only question that has brought to be considered is as to whether the amount of compensation should be enhanced or not. We have looked into the record and heard the learned counsel and agree with the learned counsel that there was no justification for enhancing the amount of compensation which was awarded by the payment of Wages Act

Authority under payment of Wages Act after taking into consideration the totality of circumstances and accordingly this application is allowed to the extent that the amount of compensation which has been awarded by the appellate court will be reduced to Rs. 1000/- i.e. which was awarded by the authority under the payment of Wages Act. The learned counsel for the respondent who is appearing states that the respondent was always willing to join the service, but the duties are not assigned to him. A fact which has been disputed by the learned counsel for the Union of India. What ever the position, if the respondent is ~~will~~ willing to join, obviously the Union of India should allow him to join. But as the scope of this case is limited, we cannot give any positive direction in this regard. No order as to the costs.


Member (A).

Dt: 28.8.92.
(DPS)


Vice Chairman.