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(Signature)

CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH

LUCKNOW

T.A. No. 11/91

(C.A. No.4/85)

Ayodhya Prasad

Applicant

versus

Divisional Regional Manager,

Hazratganj, Lucknow & ors.

Respondents.

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

In this case respondents have not preferred to file reply despite the opportunities being given to them. It appears that the applicant, after losing his case before Payment of Wages Authority, filed an appeal which stood transferred to this ~~the~~ Tribunal by operation of law.


2. ~~The~~ applicant who voluntarily retired in the year 1983, filed an application claiming over time allowance for the period from 1.8.74 to 8.4.78 and the authority dismissed the application on the ground that as sufficient reasons for delay were not given when the application was filed and that he was not posted at Faizabad as such Authority had no jurisdiction. The prescribed authority, passed this order after observing that the applicant has stated that he has been continuously corresponding.

3. The applicant ~~has~~ himself stated that he has been corresponding in the matter of ultimately not getting any response that is after losing ~~before~~ hopes approached the authority under Payment of Wages Act.

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The order passed by the prescribed authority is very vague in this behalf. It should have been considered whether the claim of applicant was in the nature of continuing claim and that the applicant who could have got relief from the department, approached it first followed by reminders and ultimately after losing hopes had to take resort to litigation. The applicant was posted at Faizabad where proceedings against him were initiated and suspension order was passed. He was sent elsewhere. He is staying at Faizabad. As such the plea of jurisdiction is without substance. This application is allowed and the Payment of Wages Authority is directed to decide the case on merits in case the delay is condoned and after condoning the delay as the applicant has made out case and the matter is old and it is expected that the prescribed authority will decide the case as early as possible. Application is disposed of as above. No order as to costs.


Vice Chairman.

Shakeel/-

Lucknow:Dated 16.4.93.