

CENTRAL ADMINISTRATIVE TRIBUNAL LUCKNOW: BENCH LUCKNOW

Original Application No. 504 of 1992

Union of India Applicant

Versus

Ram Kumar & Another Respondents

Hon'ble Mr. Justice U.C.Grivastava, V.C.

Hon'ble Mr. K. Chavva, Member (A)

(By Hon'ble Mr. Justice U.C.Grivastava, V.C.,

The respondents have filed an application under section 15 of the payment of wages Act before the prescribed authority in the year 1980 with the allegations that of course with certain breaks off and on he has been working as a casual labour and he has completed 120 days, but the salary for the particular period has not been given to him and he was not regularised. The Union of India has filed the preliminary objection before the payment of wages authority. It appears that the reply was taken as a final reply and there after, after rejecting the claim of the applicant, the case was finally decided in favour of the workmen.

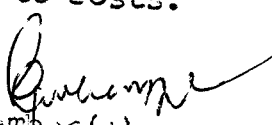
2. Aggrieved with the said order, Union of India have approached the tribunal. On behalf of the Union of India, it has been contended that the preliminary objection was there and the case should not have been finally disposed of ex parte. In case, the authority was not satisfied, the preliminary objection was wanted and the reply should be filed and the case should have been given which was not done. Without giving time for filing the objection, the case could not have been finally disposed of. Obviously, it is not a good practice and it is not permissible that only preliminary objection should be filed and as a matter of fact, Union of India

:: 2 ::

should have ~~been~~ filed the entire reply. Once a preliminary objection was filed, of course, they could have been called upon to file a detailed reply, which was not done.

3. In these circumstances, the payment of wages authority should not have proceeded ex parte. The factual dispute was also raised that he did not work for 120 days. In view of this fact that the payment of wages authority wrongly proceeded to decide the case ex parte without calling upon the Union of India to file a reply.

4. Accordingly, this application deserves to be allowed and the order dated 23.9.91 passed by the payment of wages authority is quashed and the authority is directed to decide and hear the matter after giving an opportunity to the Union of India to file a written statement. It is for the authority under payment of wages Act to consider the pleas taken by the union of India regarding jurisdiction and similar other pleas. As the case is old, the authority will expedite to dispose of the case within a period six months. The authority of payment of wages Act should have seen that this application was filed before it after 8 years and merely because certain delay was caused by the Union of India that itself could not have been taken to be sufficient for throwing it out of arena of the litigation. No order as to costs.


Member (A)


Vice-Chairman

Lucknow Dated: 30.3.1993

(KKL)