

(See rule 114)

OA/TA/RA/CP/MA/PT 575.....of ~~2090~~

*Versus*

Laik Khan Respondent(S)

Serial No.	DESCRIPTION OF DOCUMENTS	PAGE
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	Judgment 28-8-92	6 to 7
	Petition	8 to 37
	C.A.	38 to 52
	R.A.	53 to 56

Certified that the file is complete in all respects.

B/C full report and 6 destroyed

Signature

Signature of Deal. Hand

CA. 575/90

Union of India Others

Laila Khan

✓ P-10111

A1-A2

✓ P-10112

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A6-A7 Dated: 28.8.92

✓ Petition for

Exclusion

A8-A33

✓ Counter High Court

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✓ Affidavit

A53-A56

✓ P-10114

B57-B98

PART C

C96-C98

Extra Copy for Miscellaneous

DATED

11.10.93

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

23-ATHORNHILL ROAD \*\*\*\*

ALLAHABAD U.P. \*\*\*

REGISTRATION No. S 75 OF

1990

APPLICANT (S)

Union of Intellig. Thru G.M. D.R.M.  
N.Rly., Lucknow.

RESPONDENT (S)

Lauk Khan

PARTICULARS TO BE EXAMINED

ENDORSEMENT AS TO

RESULT OF EXAMINATION.

- 1 \* Is the appeal competent? :
- 2\* (A) Is the application in the prescribed form?
- (B) Is the application in paper book form?
- (C) Have complete sets of the Application been filed?
- 3\*(A) Is the appeal in time?
- (B) If not, by how many days it is beyond time?
- (C) Has sufficient case for not making the application in time, been filed?
- 4\* Has the document of authentication: Vakalatnama been filed?
- 5\* Is the application accompanied by:  
B.D./Postal Order for Rs.50- (Fifty).
- 6\* Has the certified copy/copies of the order(s) against which the application is made been filed:
- 7\* (A) Have the copies of the Documents/relied upon the applicant and mentioned in the application, been filed?
- (B) Have the documents referred to: in (a) above duly attested by a Gazetted officer and numbered accordingly?
- (C) Are the documents referred to in (a) above neatly typed in double space?

Y3

Y3

Y3

Y3 (385 JH)

Y3

—

—

Y3

Y3

DD 322489 d.R.50/-  
4 A.6/4/90.

Y3

Y3

Y3

Y3

A2

\* 2 \*

PARTICULARS TO BE EXAMINED

ENDORECMENT AS TO  
RESULT OF EXAMINATION

- 8\* Has the index of documents been filed and paging done properly?
- 9\* Have the chronological details of representation made and the outcome of such representations been indicated in the application?
- 10\* Is the matter raised in the application pending before any court of law or any other Bench or Tribunal?
- 11\* Are the application/documents copy/spare copies signed?
- 12\* Are extra copies of the application with annexures filed?
- (A) Identical with the Original:
- (B) Defective?
- (C) Wanting in Annexures?
- NOS ..... / PAGES NOS ..... ?
- 13\* Have file size envelopes bearing full address of the respondents been filed?
- 14\* Are the given addresses, the registered addresses?
- 15\* Do the names of the Parties in the copies tally with those indicated in the application?
- 16\* Are the translations certified to be true or supported by an affidavit affirming that they are true?
- 17\* Are the facts of the case mentioned in item No. 5 of the application?
- (A) Concise?
- (B) Under distinct heads?
- (C) Numbered consecutively?
- (D) Typed in double space on one side of the paper?
- 18\* Have the particulars for interim order prayed for indicated with reasons?
- 19\* Whether all the remedies have been exhausted?
- 20\* Classification of case: Bench case
- 21\* Cause of Action: Against the order of P.W. Ach.

73

NO

I sh 2 copies signed.

73

73

NO

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N.A.

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The Cause is  
Complete;  
Q. 18/7  
80 (F)

ANIL  
15.6.90

Registered as an and put up before Hon'ble Court  
on 19/7/90 as ordered in the order.

19/7/90  
Dr. R. (J.D.)

A3

ORDER-SHEET

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ADDITIONAL BENCH

OA 575 of 90

S.No. of Order	Date Order	ORDERS WITH SIGNATURE	Office Notes as to action (if any) taken on order.
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O.R

Due to mingling this case could not be listed on 9-8-90 for interim order. Case is submitted before DRO for fixing a date for interim order. Inconvenience caused to Hon'ble Court and Litigant is regretted. Submitted

Shu L  
13-9-90

(3) 13.9.90 DR

Submitted before me today  
List the interim matter before court for orders on 20-9-90 as prayed by applicants' counsel.  
Office is warned to be more careful in future.

DR(D)

(4) 20.9.90 Hon. Dr. Agrawal & Hon. K. Obeygarn  
Court closed due to lawyers strike. List this case for orders on 22.11.90. The interim order passed on 26.7.90 shall continue till that date.

O.R

One application of Respondent Laksh Kishan dt 11-11-90 received is placed on the record. Submitted

Shu L  
21-11-90

Am,  
Jm

Jee  
Jm.

ORDER - SHEET

A4

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
(ALLAHABAD)

04 No. 575 OF 1990  
601 VERSUS Laik Khan

Sl. No.	Date	OFFICE REPORT	ORDER
1	2	3	4
		(8)	<p>D R J,</p> <p>2-7-91</p> <p>Seen office report. RA not filed so far. A misc. App. no. 231/91 for stay is pending. Let this <sup>misc.</sup> Application no. 231/91 be listed before the Honble Court on 10-9-91 for orders.</p> <p>pe</p> <p>D R J,</p>
		(9)	<p>10-9-91</p> <p>Hon. Mr. Justice U.C. Srivastava, V.C. Hon. Mr. A.B. Gorthi, A.M.</p> <p>On the request of learned counsel for the applicant adjourned this case for 24-9-91 for orders.</p> <p>d A.M.</p> <p>v.e.</p>
		(10)	<p>24-9-91</p> <p>Hon D.K. Agarwal - JM Hon K. Obayya - AM</p> <p>On the adjournment prayer of Counsel for the Applicant, the Case is adjourned to 3-10-91 for orders.</p> <p>Amr</p> <p>JM</p>

Central Administrative Tribunal  
Lucknow Bench, Lucknow.

.....

ORDER SHEET

O.A./T.A. No. 575/90

Date / Office Report / Order

No RA filed

S.f.o.

8  
27/8/92

MANISH/-

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL (ALLAHABAD BENCH)  
ALLAHABAD.

D.A. NO.  
T.A. NO.

575/90

OF 199

Date of decision: 28.8.92

..... Union of India ..... Petitioner

..... Shri. G. P. Agrawal ..... Advocate for the Petitioner

Versus

..... Laik Khan ..... Respondent

..... Shri. R. C. Verma ..... Advocate for the Respondent

XXX:XXXXXXXXXX:XXX

CORAM:-

The Hon'ble Mr. Justice U. C. Sinivastava - V.C.

The Hon'ble Mr. K. Abayya - A.M.

1. Whether Reporters of local papers may be allowed to see the judgment? ✓
2. To be referred to the Reporter or not? ✓
3. Whether their Lordships wish to see the fair copy of the judgment? ✓
4. Whether to be circulated to all other Benches? ✓

Signature

Naqvi/

The Dy. Registrar  
CAT/Lko.

Central Administrative Tribunal  
Lucknow Bench  
Date of Filing 12/10/86  
Date of Receipt by Post

1832

Dr. Registrar (1)

Sub: OA: - 575/90 :- Haig Khan VS UOI  
decided by CAT/Lko.

The abovenoted case was decided by this  
Hon'ble Tribunal. ~~Have~~

I have need a certified copy of  
judgement in respect of this abovenoted case.

For this purpose, I am enclosing herewith  
an IPO of Rs 5/- only.

I do hope, a certified copy of judgement  
regarding the same, would be supplied  
to me very soon.

Thanking you

Encl:.. An IPO of Rs 5/- only

Yours Sincerely

So (Tadli.)

for n.a. as  
per rules

21/10

Shri P. N. Bhatnagar

for n.a. as  
per rules

Anil Srivastava

(Anil Srivastava)  
Adv.

THE CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH-LUCKNOW.

O.A. NO. 575 of 1990.

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

Versus

Laik Khan..... Respondent.

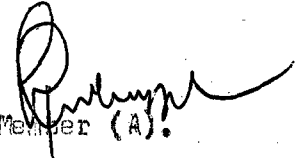
Hon'ble Mr. Justice U.C. Srivastava-V.C.

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 <sup>respondent</sup> /has been working with the Railway Administration, but from the month of November, 1986 to October, 1987 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 <sup>was</sup> 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 <sup>to</sup> /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.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD.

INDEX

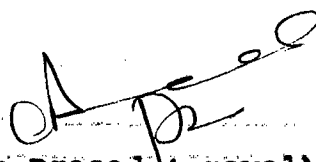
IN

O.A.NO. 575 OF 1990

Union of India Versus Laik Khan

Sl.No.	Particulars of documents.	Page No.
1.	State Application	1
2.	Petition	2 - 5
3.	Annexure A1 Compi. I Copy of award Misc.Civil Appeal No.5/89 decided by II Addl.District Judge, Faizabad.	8 - 11
4.	Annexure A2 Compi. II, Decision of P.W.Authority in P.W. Case No.68/87	12 - 13
5.	Annexure A3 Compi. II Copy of application in P.W.Case No. 68/89	14 - 16
6.	Decision of L.C.A.No.308/86	17 - 24
7.	Letter of recovery dt.	25
8.	Vakalatnama	26

Dt. 17-7-1990

  
(Ganga Prasad Agrawal)  
Presenting Officer.

Ad

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD.

O.S.No. 575 of 1990  
Stay App. No. = 998/90  
Union of India Versus Laik Khan

To

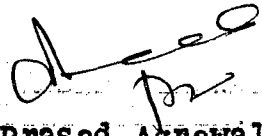
The Hon'ble Vice Chairman and his companion  
Members of the Tribunal.

The humble application on behalf of the petitioner  
above named most respectfully sheweth :-

1. That full facts have been given in the petition.  
It is expedient in the interest of justice that the  
operation of the award dated 20 March 1990 and 30,  
December 1988 his case No.68/87 arising in M.C.A.5/89  
be stayed till the disposal of the petition.

It, is, therefore, prayed that the operation of  
the award dt.20 March 1990 and 30 December 1988  
delivered in the petitioner and the respondent be  
stayed till the disposal of petition.

Dated:- 17-7-1990

  
(Ganga Prasad Agrawal)  
Presenting Officer.

Central Administrative Tribunal  
Additional Bench At Allahabad  
Date of Filing... 17-7-90

OR

Date of Receipt  
by Post

By Registrar.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : ALLAHABAD

O.A. No. 575 of 1990

DISTT. FAIZABAD

UNION OF INDIA through the General Manager, D.R.M.  
Northern Railway, Lucknow.

..... Petitioner

Versus

Leik Khan aged about 40 yrs. son of Sri Zakir Khan  
r/o Q.No. 1/29 Line No.A, Railway Colony, Northern  
Railway, Faizabad.

..... Respondent

Under Section 19 C.A.T. Act

1- Particulars of the orders  
against which application  
is made.

Against the order dated 20-3-90 passed in P.W.

Appeal No. 5 of 1989 by Ind Adl. District Judge,  
Faizabad in P.W. Case No. 68 of 1987, Leik Khan  
..Vs.. D.R.M. Northern Railway Lucknow awarding wages  
Rs. 19,400/-, damages Rs. 9700/- on 13-12-88 but in the  
certified copy of judgment the amount has been mentioned  
Rs. 97,000/- . Annexure A1 compilation I.

सहायक कानून अधिकारी  
उत्तर प्रदेश सरकार

## 2- Jurisdiction of Tribunal

Application is within the jurisdiction of the Tribunal as the matter is solely and exclusively of the Central Government employee.

## 3- Limitation

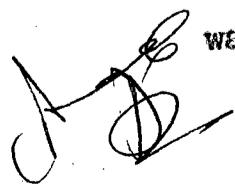
Application is within limitation U/s 21 of the C.A.T. Act 1985.

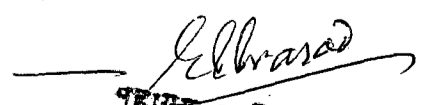
## 4 - Facts of the Case :-

1- That Annexure A3 Compilation II is the copy of application whereby the applicant claimed wages from February 1986 to October 1986 @ Rs. 1200/- per month amounting to Rs. 10,800/- minus Rs. 374/- , nett total Rs. 10,426/- . Further wages from February 1989 to October 1989 @ Rs. 2500/- per month total comes to Rs. 22,500/- grand total comes to Rs. 32,926/- . Annexure A1 & A2 are the copies of decisions Compilation I

2- That the respondent further pleaded in para 3 of Annexure A3 a petition U/s 33(c)(2) of I.D. Act was filed and the same was decided on 6-9-88. Annexure A4 is the copy of the decision of case No. 308 of 1986.

3- That the perusal of the above decision and the amount claimed by the applicant , it is clear that the respondent did not work during these periods , did not submit proof for duty , hence the P.W. Authority was not capable of to adjudicate the matter in issue ,



  
 प्रधान कार्यकारी अधिकारी  
 उत्तर प्रदेश सरकार

A11

- 3 -

so the decision of P.W. Authority and its Appellate Authority decided appeal No.5 of 1989 is hit on the principles of CORAM-NON-JUDICE.

4- That nothing was due to the respondent against the applicant.

GROUNDS

(a) Because the decision of P.W. Authority and Appellate Authority are decisions against the principles of Coram-Non-Judice , hence it is waste paper.

(b) Because the amount claimed , the period pleaded in P.W. Case No.68 of 1987 had been adjudicated so the same period cannot be a subject to P.W. Case.

(c) Because it is not a case of accrued wages as wages accrue either on account of work done and not paid or on account of judicial decision , but in the present case both things are absent.

(d) Because the point involved i.e. of absence , leave is purely a service matter and the same cannot be decided either U/s 33(c) or U/s 15 of P.W. Act.

(e) Because the respondent did not comply with the provisions of Sec.15 (3) its proviso and sub-clauses of P.W. Act , so the question for grant of compensation did not arise at all and the compensation which have been awarded is absolutely against the provisions of

*[Handwritten signature]*

*[Handwritten signature]*  
82 44 1111 2111 1111  
1111 1111 1111 1111

~~law~~ and also excessive.

(f) Because the present case cannot be a case of deduction.

(g) Because the maximum compensation is Rs. 25/- .

(h) Because the rulings relied upon by the applicant are not applicable in the present case.

(i) Because the entire findings of P.W. Authority and its appellate authority are hit under Order 2 Rule 2 C.P.C. as well as U/s 11 C.P.C. or on the principles of finality.

(j) Because the entire decisions, findings, observations and approaches to the case are misinterpretation, incorrect approach on the subject matter as well as non-judicious exercise of the jurisdiction.

5- That the sole and exclusive jurisdiction is before this Hon'ble Tribunal.

6. Matter - Not previously filed or pending with any other court. Not pending in any other court.

7. Relief -

To set aside the order dated 20-3-90 and 13-12-88 contained in Annexures A1 and A2 or pass any other suitable order which the Hon'ble Tribunal may deem fit and proper in the circumstances of the case.

*[Signature]*

*[Signature]*

सहायक कानून अधिकारी  
दफ्तर सेवक, बल्लभपुर

8- Interim Relief -

The operation of the orders dated 20-3-90 and 13-12-88 contained in Annexures A1 and A2 be set aside or pass any other order suitable which the Hon'ble Tribunal may deem fit and proper in the circumstances of the case. The operation of the aforesaid orders be stayed till the disposal of the above petition, otherwise the applicant shall suffer irreparable loss.

Warrant of attachment is in process

9- Remedies exhausted -

Exhausted remedies available.

## 10- Particulars of the Postal Order -

No. DD 322489 dated 6-4-90

A postal order of Rs.50/- dated 6-4-90 issued from the City Post Office, Allahabad is attached.

*[Signature]* I, Shiv Pajau, Asstt Personnel Officer  
DRM Apple/NRI  
Lucknow

do hereby verify that the contents of this petition are based on perusal of records and information received which I believe to be true. Verified on 13.7.90 at Lucknow.

*[Signature]*  
Allahabad

महानगर पोस्ट ऑफिस  
लखनऊ

6

A14

एनेक्जर ।

न्यायालय द्वितीय अपर जिला न्यायाधीश, फैजाबाद

प्रकीर्ण दीवानी वाद सं० 5 सन् 89

लईफ खां

----- अपीलार्थी

बनाम

डिवीजनल रेलवे मैनेजर नार्दन रेलवे लखनऊ एवं एक अन्य

----- प्रत्यर्थी

प्रतिलिपि निर्ण

ता० फे० 20-3-90

न्यायालय द्वितीय अपर जिला न्यायाधीश फैजाबाद

उपस्थिति श्री अमीनउददीन खां

प्रकीर्ण दीवानी वाद सं० 5 सन् 89

लईफ खां

----- अपीलार्थी

बनाम

डिवीजनल रेलवे मैनेजर नार्दन रेलवे लखनऊ एवं एक अन्य

----- प्रत्यर्थी

निर्णय

=====

प्रस्तुत अपील में वादी/अपीलार्थी लईफ खां की ओर से श्री के०के० पुरवार तत्कालीन प्राधिकारी अन्तर्गत मजदूरी संघ अधिनियम 1936 एवं ग्राम अधिकारी फैजाबाद के निर्णय एवं आदेश दिनांक 13-12-88 के विरुद्ध पावर दिया गया है जिसे कि उन्होंने पी०डब्ल्यू० वादसं० 68/87 लईफ खां बनाम डिवीजनल रेलवे मैनेजर आदि में पारित किया है और जिसके द्वारा अपीलार्थी/वादी का दावा स्वीकार करते हुए प्रत्यर्थीगण को निर्णय में उल्लिखित धनराशि रूपया मुबलिय 20,60000/- कीमत मजदूरी क्षतिपूर्ति एवं पिरिव्यय

:: 2 ::

के रूप में अपीलार्थी को 30 दिन के अन्दर अदा करने हेतु निर्देशित किया गया है ।

अपीलार्थी लईफ़ खां द्वारा मजदूरी संपाद अधिनियम 1936 की धारा 15/21 के अन्तर्गत वाद सं० पी० डब्ल्यू० 68/87 विहित अधिकारी के सम्क्ष प्रस्तुत किया गया था । वाद व्यय में अपीलार्थी का कथन यह था कि प्रत्यर्थी गण के प्रतिष्ठान में कार्यरत रहने के बावजूद उसे माह नवम्बर 1986 से माह अक्टूबर 1987 तक का वेतन नहीं दिया गया है । उसके द्वारा यह याचना की गयी थी कि उसे बकाया वेतन की सम्पूर्ण धराशि निर्धारित क्षतिपूर्ति एवं वाद व्यय के साथ प्रत्यर्थी गण से भुगतान करायी जाय । आवश्यक कार्यवाहियों के पश्चात विहित प्राधिकारी द्वारा दिनांक 13-12-88 को मामले का अंतिम रूप से निस्तारण किया गया । विहित प्राधिकारी द्वारा अपने निर्णय एवं आदेश के माध्यम से प्रत्यर्थी गण को निर्देशित किया गया है कि वे अपीलार्थी को 13,400/- रुपया मजदूरी के रूप में 7,000/- रुपया बतौर क्षतिपूर्ति तथा 200/- रु० वाद व्यय के रूप में कुल 20,600/- रुपये की धराशि अपीलार्थी को आदेश के दिन से 30 दिन के अन्दर भुगतान करें । इस आदेश में क्षतिपूर्ति की धराशि केवल मुबलिंग 1000/- विहित प्राधिकारी द्वारा निश्चित की गयी है । इसी से क्षुब्ध होकर अपीलार्थी द्वारा प्रस्तुत अपील दायर की गयी है । यह उल्लेखनीय है कि प्रश्नगत निर्णय एवं आदेश के शेष भागों को अपीलार्थी द्वारा चुनौती नहीं दी गयी है ।

जिन आधारों पर क्षतिपूर्ति के सम्बन्ध में प्रश्नगत आदेश को चुनौती दी गयी है उसमें एक आधार यह भी है कि योग्य प्राधिकारी द्वारा क्षतिपूर्ति दिलाने का आदेश न्यायिक सिद्धान्तों के अनुसार नहीं है । अपीलार्थी द्वारा यह याचना की गयी है कि उसे प्रत्यर्थी गण के ~~व्यय~~

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से अर्जित मजदूरी की धनराशि अर्थात् 19,400/- 10 गुना के बराबर धनराशि अर्थात् रूपया 1,14,000/- क्षतिपूर्ति के रूप में दिलाई जाय ।

उभय पक्षों के विद्वान अधिवक्तागण को भी भाति सुना गया है और पत्रावली का भी अवलोकन किया गया है ।

प्रत्यर्थागण के विद्वान अधिवक्ता द्वारा अपील उपयोगिता को इस आधार पर चुनौती दी गयी है कि प्रश्नगत आदेश एक पक्षीय है । तथा उसके विरुद्ध आधार दिया गया । पुर्नस्थापन प्रार्थना पत्र अभी विचाराधीन है । मैंने सावधानी पूर्वक इस तथ्यों पर विचार किया है । प्रत्यर्थागण के विद्वान अधिवक्ता द्वारा इस प्रकार पर की है कि विधिक व्यवस्था मेरे सम्म प्रस्तुत नहीं की जा सकी जिसके आधार पर उनके द्वारा दिये गये तर्कों का स्वीकार किया जा सके । जैसा कि उपर देखा जा चुका है कि प्रस्तुत अपील प्रश्नगत आदेश को केवल उस भाग के विरुद्ध दायर की गयी जिसके अन्तर्गत क्षतिपूर्ति की धनराशि निश्चित की गयी है , मेरे विचार में इस प्रकार की अपील पर कोई विधिक प्रतिबन्ध नहीं है । इस मत को डिवीजनल सुपरिन्टेन्डेन्ट नार्दन रेलवे बनाम नन्द लाल दूवे 1965 एल0जे0 950 में प्रतिपादित सिद्धान्तों से भी पूर्णतः रूप से समर्थन मिलता है । जहाँ तक पुर्नस्थापन प्रार्थना पत्र के विचाराधीन होने का सम्बन्ध है मेरी राय में इस आधार पर भी प्रस्तुत अपील को अन्वेष्टणीय नहीं कहा जा सकता । मामले के विभिन्न पहलुओं पर तथा विधिक स्थिति पर विचार करने के बाद मुझे प्रत्यर्थागण के विद्वान अधिवक्ता के तर्कों में भी बल नहीं मिलता और तदनुसार उनके द्वारा रखे गये प्रार्थमिक आपत्ति निरस्त की जाती है ।

अपीलार्थी के विद्वान अधिवक्ता द्वारा यह तर्क प्रस्तुत किया गया है कि चूँकि प्रस्तुत मामला डिडकान से सम्बन्धित है इसलिए

विधिक स्थिति के अनुसार विहित प्राधिकारी के लिए यह अनिवार्य था कि वह अपीलार्थी को बकाया वेतन की धनराशि के 10 गुना के बराबर धनराशि क्षतिपूर्ति के रूप में पूर्ण प्रत्यर्थागण से दिलाते । उनका कहना है कि ऐसा न करके विहित प्राधिकारी ने कानूनी गलती की है इसलिए उनके द्वारा पारित आदेश का वह भाग जो क्षतिपूर्ति की धनराशि से सम्बन्धित है विधिक स्थिति के अनुसार संशोधित किये जाने योग्य है । मेरे सावधानी पूर्वक इस तर्क पर विचार किया है । सबसे पहले प्रश्न यह उठता है कि क्या इस मामले में डिडकम का तथ्य निहित है अथवा नहीं प्रश्नगत आदेश के द्वारा अपीलार्थी को माह नवम्बर 1986 से माह अक्टूबर 1987 तक बकाया वेतन पास कर दिया उसे प्रत्यर्थागण द्वारा नियमानुसार अदा नहीं किया गया था । दिखाया गया है । डिवीजनल पर्सनल आफिसर नार्दन रेलवे बनाम अम्बिका प्रसाद आदि 1988 ॥ एल०आर० 113 तथा यूनियन आफ इंडिया बनाम कामेश्वर दूवे आदि में प्रतिपादित सिद्धान्तों के अनुसार ऐसी परिस्थिति में डिडकम का मामला माना जायेगा । मेरे सम्मूर्ण प्रत्यर्थागण की ओर से इसके विरुद्ध कोई भी व्यवस्था प्रस्तुत नहीं की जा सकी है । इन परिस्थितियों में मेरे सामने यह मानने के आपेक्षित कि इस मामले में डिडकम का तथ्य निहित है । और कोई विकल्प नहीं है । अब दूसरा प्रश्न यह पैदा होता है कि क्या ऐसे मामलों में विहित प्राधिकारी के लिए यह अनिवार्य होगा कि वह वादी वेतन की बकाया धनराशि के 10 गुना के बराबर क्षतिपूर्ति विपक्षी से दिलाए ।

ऐक्ट 1936 की धारा 15/31

में यह कहा गया है कि सम्बन्धित अधिकारी द्वारा वादी को डिडकम धनराशि के 10 गुना के बराबर तक क्षतिपूर्ति की उपशम दी जा सकती है । उक्त प्राविधान में कहीं से भी यह संकेत नहीं मिलता कि 10 गुना

के बराबर धनराशि क्षति पूर्ति के रूप में वादी को दिलाया जाना अनिवार्य है । इस प्राविधान पर विचार करने के बाद निष्कर्ष यही निकलता है कि क्षतिपूर्ति की धनराशि विहित प्राधिकारी द्वारा अपने विवेकानुसार प्रयोग करके निश्चित की जायेगी । मैं अपीलार्थी के विद्वान अधिवक्ता के इस तर्क से कि विहित प्राधिकारी को उस क्षतिपूर्ति की धनराशि बकाया वेतन की धनराशि के 10 गुना के बराबर निश्चित करके अतिरिक्त और कोई विकल्प नहीं चाहा । पूर्ण रूप से सहमत होना सम्भव नहीं पाता । यह सही है कि क्षतिपूर्ति की धनराशि प्रत्येक मामलों में उसकी परिस्थितियों को दृष्टि में रखते हुए प्रस्तर निश्चित की जानी चाहिए कि वह उचित एवं न्याय संगत पूर्ण हो । हम हम सक्षम में विहित प्राधिकारी द्वारा क्षति पूर्ति की जो धनराशि निश्चित की गयी है वह बकाया वेतन की धनराशि के करीब 1/20 के बराबर है । मामले के आवश्यक पहलुओं तथा विधिक निर्णय पर विचार करने के बाद मैं इस निष्कर्ष पर पहुँचता हूँ कि क्षतिपूर्ति की धनराशि को बकाया वेतन की धनराशि के 1/2 भाग के बराबर कर दिये जाने से वैधानिक उद्देश्यों एवं अपेक्षाओं की भी भाँति सुतिपाट हो सकती है । इस प्रकार अपीलार्थी के विद्वान अधिवक्ता के तर्क में कुछ सीमा तक बल पाया जाता है ।

मेरे सम्मन और कोई तर्क किसी भी पक्षकार द्वारा प्रस्तुत नहीं किया गया ।

उपरोक्त विवेचना तथा मामले के तथ्यों एवं विधिक स्थिति का दृष्टि में रखने के बाद मैं इस निष्कर्ष पर पहुँचता हूँ कि अपीलार्थी को बकाया वेतन की धनराशि के 1/2 योग के बराबर अर्थात् 9700/- क्षतिपूर्ति प्रत्यर्थीगण से दिलाया जाना उचित एवं न्याय संगत होगा

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और तदनुसार प्रश्नगत आदेशा संशोधित किये जाने योग्य है ।

परिणाम स्वरूप अपील में कुछ पाया जाता है और तदनुसार वह आशिक रूप से स्वीकार किये जाने योग्य है ।

आदेश  
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अपील आशिक रूप से स्वीकार की जाती है । अपीलार्थी को रूपया 1000/- के बजाया रूपया 9700/- क्षतिपूर्ति के रूप में प्रत्यर्थी गण भुक्तान करेगे । इस संशोधन के साथ प्रश्नगत आदेशा की पृष्ठि की जाती है ।

मामले की परिस्थितियों में उभय पक्ष इस अपील में अपना अपना हर्ष स्वयं वहन करेगे ।

ह0 अमीनउददीन खां

20-3-90

अमीनउददीन खां

द्वितीय अपर सत्र न्यायाधीश  
फैजाबाद ।

निर्णय आज मेसे द्वारा हस्ताक्षरित एवं दिनांकित कर आज सुमी न्यायालय में उद्घोषित किया गया ।

दिनांक 20-3-90

ह0 अमीनउददीन खां

20-3-90

अमीनउददीन खां

द्वितीय अपर सत्र न्यायाधीश  
फैजाबाद ।

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न्यायालय विहित प्राधिकारी अन्तर्गत मजदूरी संधाय अधिनियम 1936  
एवं श्रम प्राधिकारी विन्यास।

वाद संख्या- पी०५५५०.६९/४७

..... लईक ऑफ़ ..... वादी।

बनाम

..... बार्देन रेलवे .....

.....

प्रतिवादी।

....

उपरोक्त वाद में दिनांक- 30-12-88 को आदेश पारित कर  
दिया गया है।

कोकोपुरवार।  
प्राधिकारी अन्तर्गत मजदूरी संधाय अधि  
1936 एवं श्रम प्राधिकारी विन्यास।

पत्रांक- 501-3 /एप०आर०-पी०५५५०. .... दिनांक- 21-1-09  
प्रति. लिपि- विम्बलिलिखित को सूचबार्ध एवं आवश्यक कार्यवाही हेतु प्रेषित=

111 डिप्टी मजदूर रेलवे मैनेजर बार्देन रेलवे लखनऊ।

Inclosure 121 डिप्टी मजदूर मेकेनिकल इंजीनियर बार्देन रेलवे डी०आर०एम०आर० लिख लखनऊ।

131 लईक ऑफ़ पुत्र श्री आठिर ऑफ़ विवाही स्वारटर नं० 1/29 लाहौर नं०  
141 रेलवे कालोनी बार्देन रेलवे विन्यास।

कोकोपुरवार।  
प्राधिकारी अन्तर्गत मजदूरी संधाय  
1936 एवं श्रम प्राधिकारी विन्यास।



विहित प्राधिकारी अन्तर्गत मजदूरी संवाय अधिनियम 1936 एवं श्रम अधिकारी  
पञ्जाबा

वाद संख्या- पी० डी० 68/87

लहक ऑ पुत्र श्री जाकिर ऑ निवासी रवारटर नं० 1/29 लाइमनं०० रेलवे  
कालोनी बार्दख रेलवे पञ्जाबाद। ....वादी।

बनाम

1. डिबी जगत रेलवे मैनेजर बार्दख रेलवे लखनऊ।
2. डिबी जगत मैकेनिकल इंजीनियर बार्दख रेलवे डी० आर० एम० आफिस लखनऊ।  
.....प्रतिवादी।

....

निर्णयतिथि-  
स्थान-पञ्जाबाद।

मजदूरी संवाय अधिनियम 1936 की धारा 15 उपधारा 121 के अन्तर्गत वादी लहक ऑ पुत्र श्री जाकिर ऑ निवासी रवारटर नं० 1/29 लाइमनं०० रेलवे कालोनी बार्दख रेलवे पञ्जाबाद के द्वारा प्रतिवादी पक्ष 11 डिबी जगत रेलवे मैनेजर बार्दख रेलवे लखनऊ 12 डिबी जगत मैकेनिकल इंजीनियर बार्दख रेलवे डी० आर० एम० आफिस लखनऊ के विरुद्ध यह वाद इस आशय से प्रस्तुत किया गया है कि वह प्रतिवादी प्रतिष्ठा में कार्यरत रहता है। परन्तु उसे नवम्बर 86 से दिसम्बर 87 तक का वेतन रुपये-12,400/- नहीं दिया गया है। उक्त कुल वेतन में नवम्बर 86 से दिसम्बर 86 तक का रुपये 1200/- एवं इसके पश्चात् 1200/- रुपये प्रतिमाह की दर से गणना की गई है। अतः वादी ने उक्त वेतन का 10 गुना वाहित दिलाये जाने की प्रार्थना की है।

वाद का संज्ञा लेते हुए उम्मतपक्षों को दिनांक-14.03.88 को आहूत किया गया। इस संबंध में उम्मतपक्षों को पंजीकृत डाक से सम्मन प्रेषित किया गया। परन्तु प्रतिवादी पक्ष अनुपस्थित रहने के कारण एक पक्षीय कार्य-वाही उपस्थाई गई। दिनांक-11.04.88 को वादी के द्वारा अतिरिक्त लिखित किये गये एवं दिनांक-30.04.88 को वादी द्वारा बयान करवाये गये। तदनुसार दिनांक-27.03.88 को बहस की गई।

वादी ने अपने वाद-पत्र में यह उल्लेख किया है कि वह प्रतिवादी प्रतिष्ठा में दिनांक-15.04.76 को स्थाई रूप से बलीनर के रूप में कार्यरत रहा है एवं 1982 को फायरमैन सी ग्रेट पर पदोन्नति किया गया। दिनांक-14.03.86 से 27.03.86 तक वादी अवकाश पर रहा एवं दिनांक-28.03.86 को प्राचीन सेवाकाल में सेवाओं के अनुसार कार्य करने गया परन्तु प्रतिवादी ने उसे कार्य पर नहीं लिया इसके उपरान्त वादी बराबर अपने कार्य पर उपस्थित रहा परन्तु प्रतिवादी के द्वारा उसे कार्य पर नहीं लिया गया। दिनांक-28.10.87 को प्रतिवादी के द्वारा एम० आर० एम० लोकोमोटिव के रजिस्टर्ड पदना 26 पर दिनांक-28.10.87 को वादी का बयान लिया गया जिसमें उसने उल्लेख किया है कि वह दिनांक-28.03.86 से बराबर ड्यूटी के लिये तैयार था परन्तु उसे ड्यूटी पर नहीं लिया जा रहा था। वादी ने अपने माह में प्रतिवादी को प्रेषित पत्रों से संबंधित यू०पी०सी० के प्रमाण-पत्र की फोटोप्रिं को प्रस्तुत की एवं उससे संबंधित केंद्रीय श्रम विभाग में चलाये गये एक वाद संबंधित एक प्रति जो सेवायोजकों के द्वारा दिनांक-5.2.87 को वाकिफ

....2/-



12 14 A23

In the Court of Prescribed Authority Appointed Under  
Payment of Wages Act for Faizabad Area.

P.W. Case No. 68 of 1989

Laik Khan aged about 40 yrs son of Sri Zakir Khan  
r/o Q.No. 1/29 Line No. A, Railway Colony. N. Rly. Faizabad  
. . . Applicant

Vs.

Divisional Railway Manager, N. Rly. Lucknow.

. . . Opp. party

Sir,

The above named applicant respectfully beg to  
submit as under :-

1- That Laik Khan the above named applicant is a  
person employed in N. Rly. Loco shed, Faizabad which  
is an Industry and reside at Faizabad.

2- The address of the applicant for the service of all  
notices and processes is :

Laik Khan son of Zakir Khan r/o Q.No. 1/29 Line No. A,  
Railway Colony . N. Rly. Faizabad.

That Divisional Railway Manager, N. Rly. Lucknow  
the opp. party is the person responsible for the payment  
of his wages under section 3 of the Act and his address  
for the service of all notices and presence is :

Divisional Railway Manager, N. Rly. Hazratganj, Lucknow

3.(1) That the applicants wages have not been paid  
for the following wage period :-

*Alhasan*  
सहायक कामिक अधिकारी  
महाराष्ट्र, नवसमस्त

AR4

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(a) Wages from February 1986 to October 1986 @ Rs. 1200/- P.M. Rs. 10,800/- against which Rs. 374/- was received in the month of March 1986 total Rs. 10,426/- which is due.

(b) Wages from month of February 1989 to October 1989 @ Rs. 2500/- per month which come to total Rs. 22,500/- Grand Total which is due Rs. 32,926/-.

3.(2) That a case under section 33(c)(2) of the I.D. Act was filed before the Central Govt. Industrial Tribunal cum Labour Court Kanpur as LCA No. 308 of 1989 in which the aforesaid Industrial Tribunal cum Labour Court vide his order dated 6-9-88 directed the opposite party to decide the case regarding the absence of the applicant from the month of March 1986 till that day. The opposite party b gave charge sheet which was replied but on 16.5.89 held that the petitioner is guilty of absence from duty. Against the aforesaid order an appeal was filed to the appellate authority on 24.6-89 through Regd. post which was allowed by the opposite party and the order aforesaid was set aside on 12-10-89 which was received by the applicant on 24.10-89 hence the applicant application is within time for the above wages.

3(3) That the order from absence from duty was declared illegal on 2-10-89 hence it is no order in the eye of law declaring the applicant to be absent from duty and the applicant is entitled to get back all wages as claimed aforesaid.

3 (4) That the opposite party was demanded all the due

*Alhasad*  
सह-प्रबन्धक, प्रशासनिक  
कार्य विभाग, नगर

wages to which he has not paid hence the Act of the opposite party is unauthorised and the applicant is entitled ten times compensation on the aforesaid amount as a compensation.

4- That the applicant estimates the value of the relief sought by him at the sum of Rs.3,62,106/- (Rupees three lacs sixty two thousand one hundred six only).

5- That the applicant prays that a direction may be issued under sub-section (3) of section 5 for,

- a) Payment of his unlawful deducted wages and delayed wages as estimated are such greater or lesser amount as the authority may find to be due
- b) compensation ten times as claimed

The applicant certify that the statement of facts \* contained in the application is to the best of his knowledge and belief accurate.

*Leikhan*

नरेश कुमार कामिक आचार्य  
सहायक कर्मचारी  
उत्तर प्रदेश, लखनऊ  
17.7.89

Applicant  
(Leik Khan)

*True copy  
attested  
CH  
17.7.89*

17

Before Shri Arjan Dev Presiding Officer  
Central Government Industrial Tribunal cum  
Labour Court, Kanpur.

L.C.A. No. 308 of 1986

Shri Layeek Khan

Petitioner

And

Northern Railway

Opp.party

O R D E R

1. This is a petition under Section 33-C(2) I.D. Act for computation of money benefits amounting to Rs. 13985/- with interest at the rate of 18 per cent per annum.
2. The petitioner's case in brief is that he was appointed as cleaner by D.P.O. Northern Railway, Faizabad on 15-4-76. In 1981, he was promoted to the post of Fireman 'C' and in 1983 he was promoted to the post of Fireman 'B'. He was transferred to Varanasi but due to his domestic problems, on his request his transfer was cancelled.
3. The petitioner alleges that despite his promotion to the post of Fireman 'C' in 1981 he has been paid salary at the rate of Rs. 226/- per month when in the pay scale of Fireman 'C' he ought to have been paid salary @ Rs. 260/- per month. As such he is entitled to a sum of Rs. 2904 as difference of wages calculated at the rate of Rs. 44/- per month. The petitioner has ~~been~~ then alleged that on 4.3.86, his son sustained major injuries resulting in fracture of his hand. In connection with it he applied for leave from 15.3.86 to 27.3.86 on

the basis of sick memo dt. 14-3.86. The opposite party has not informed him about the orders passed on his application for leave. On 28.3.86 he reported for duty but Shri Munni Lal Yadav, clerk wanted illegal gratification from him and that duty would be given to him on arrival of Goods Train. Since then despite his willingness to do duty no duty is being given to him. He has not been paid wages from February 1986, to October 1986. He was paid wages for 7 days for the month of March. He has, therefore, claimed a sum of Rs.10426/- as arrears of salary from Feb. 1986 to October 1986 at the rate of Rs.1200/- per month. Besides he has claimed a sum of Rs.565 towards 27 days RMC of June 1981 and Rs.90/- as LIC dues for the period during which he worked as cleaner. According to him he gave a notice of demand by registered post on 21.4.86, but opposite party, despite service of it, took no action on it, hence this petition.

2. The claim is contested by the opposite party, opp.party leads that in routine the petitioner was promoted to the post of Fireman 'B' but on his refusal to go to transfer to Varanasi and on his giving undertaking that till the post of Fireman 'B' fell vacant at Faizabad he would continue to work as Fireman 'C'. As such the petitioner is not entitled to salary of the post of Fireman 'B' nor he is entitled to salary of the post of Fireman 'B' nor he is entitled to raise the question of juniority and seniority in the matter of payment of the salary.

3. The opposite party denies that the son of the petitioner had fallen ill, in the alternative, the opposite party pleads that even if ~~there~~ it were so, the petitioner was not entitled to medical leave on the basis of illness of his son.

4. It is further contended by the opposite party that it is wrong to say that the petitioner joined duty. Information was sent to him about his duty on a train but he was not found at his house. The opposite party denies that any demand notice was ever given by the petitioner to him. In the circumstances, the petitioner is entitled to no relief. Another plea raised by the opposite party is that provisions of sec. 33C (2) I.D. Act do not apply to Government Railways.

5. In support of his case the petitioner has filed his own affidavit and a number of documents. From the side of the opposite party no affidavit has been filed. The opposite party has simply relied upon a number of documents.

6. Ext.M-2, is the copy of chargesheet dt. 30-10.87 which was served upon the petitioner. In his cross-examination, the petitioner has admitted its service. The charge is that on 30.4.86, he expressed his indifference to duty and since then he has absented himself from duty. In para 11 of his statement in cross examination dt. 14.3.88, he has stated that reply to the chargesheet which was sent to him by Loco Foreman was sent by him to the Head Office. The present

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petition was filed on 13-11-86 which means that the petitioner was in service on the date of filing of the petition and is still in service in view of the chargesheet referred to above.

7- The first question which arises for determination is whether the petitioner had been absenting himself from 30-4-86 or he has been denied duty despite the fact that he has always remained prepared to do duty. Looking to the nature of the charge and the pendency of the disciplinary proceedings, I think it will not be just and proper to touch this question in this proceeding as my observation this way or that way might affect the domestic inquiry against one or the other party. Therefore, the question which needs determination in this case are -

- (i) Whether the petitioner is entitled to salary for the period Feb. 1986 to 30-4-86 @ Rs. 1200/- per month after deduction of 7 days salary received by the petitioner for the month of March.
- (ii) Whether the petitioner is entitled to difference of wages as alleged by him?
- (iii) Whether the petitioner is entitled to Rs. 565 towards 27 days R M C of June 1981 as alleged by him?
- (iv) Whether the petitioner is entitled to Rs. 90/- as LIC dues for the period during which he worked as cleaner?

FINDINGSPoint No.1 :

Ext. M-8 is the copy of scales of pay , Old and new , of the Running staff. From It , it appears that there were two scales of pay of the Fireman 'C' (i) Rs.260-6-326-EB-8-350 and (ii) Rs.210-4-250-EB-5-270. It further appears that upon implementation of the 4th Pay Commission report , the two grades were merged into one scale and Firemen 'C' came to be known as second fireman. The scale of pay of second fireman became Rs.825-15-900-EB-20-1200.

There is nothing to show from the side of the applicant as to how he was in the higher scale of Fireman 'C'. Therefore , in view of new pay scale introduced w.e.f. 1-1-86 , his pay will have to be fixed in the new scale given above. Neither the petitioner nor his authorised representative has shown during the course of arguments as to what would be the salary of the petitioner in the new scales of pay.

In para 6 of his statement dt. 14.3.88, in cross examination , the petitioner has deposed that since June 1981 he has been getting salary at the rate of Rs.226/- per month which does not seem to be correct in view of the old lower scale of pay of Fireman 'C'. Looking to the annual increment his salary in June 1985 would have been Rs.226/- per month treating his salary at Rs.210 in June 1981 at the time of his promotion of the post of Fireman 'C'.

In para 10 of his statement dt. 14.3.88, in cross examination he has said that last time he got salary for 7 days of the month of March on 11.4.86. It follows therefore, that he had been paid salary for the month Feb. 1986 or other the question of payment of salary of 7 days in March would not have arisen. In para 12 of the petition under section 33C (2) I.D.Act, the petitioner has alleged that on 14-3-86 he took sick memo and on its basis he applied for leave from 15.3.86 to 27.3.86. Then in para 13 he has alleged that he was not intimated whether or not his leave has been refused. Exr. M-6 is the copy of duty register concerning the petitioner for the period 19.1.86 to 8.11.86. In it he has been shown as leave due on M C R. It is not clear that M C R means. On 30.3.86, he has been shown as spare. In his cross-examination the petitioner has stated that he applied for medical ~~leave~~ leave in connection with the treatment of fracture of his son. Generally medical leave is granted when the employee is ill and is not in a position to attend office. Medical leave cannot be had on account of illness of a member of his family, for that an employee has to apply for earned leave.

In the month of April he has been marked absent throughout. There is no evidence to show that this period of absence has been treated as leave without pay or leave of any other kind.

In the circumstances, the petitioner is entitled

to only payment of salary for the period 1.3.86 to 14.3-86 and 30.3-86. On 31-8-86 he has been again marked as absent. The salary shall be calculated by the opposite party after fixing his salary in the new scale on the basis of his salary of Rs.226/- per month in the old scale. The opposite party should also pass specific orders with regard to period of his absence from 15-3-86 to 29-3-86 and in respect of the absence for the month of April 1986. The point is decided accordingly.

Point No.2 :

In view of the fact that the petitioner was being paid salary in the old scale rightly, the question of recovery of difference of wages in view of the facts and circumstances stated above does not arise. The point is decided accordingly.

Point No.3 :

On this point he stated on affidavit that Rs.565 is due to him for 27 days R M C of June 1981. There has been no cross examination of the petitioner on ~~this~~ this point, Therefore, I allow him Rs.565 on the said account. Point No.3 is decided accordingly.

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- 8 -

Point No.4 :

Since , the petitioner is still in service of the railway , the question of recovery of LIC dues amounting to Rs.90/- does not arise. Point is decided accordingly .

In view of the above findings , the petition of ~~the~~ is partly allowed. A sum of Rs.565 is computed in favour of the petitioner and against the opposite party. The opposite party is further directed to pay to the petitioner salary for the period 1.3.86 to 14.3.86 and 3 0.3-86, after fixing his salary in the new scales of pay in the manner stated in the body of this order and after deduction of the amount already paid to him. The opposite party is also directed to pass specific orders with regard to the petitioners absence in the month of March and April 1986 within 3 months from to-day. If the petitioner feels aggrieved from. The orders so passed , he will be at liberty to bring a fresh claim.

(Arjan Dev)  
Presiding Officer  
6-9-88

*In copy allst  
Ch P2  
17/7/80*

Recd by Pdt  
4/2/91

224  
1.2.91

com No 231/91  
In the Central Administrative Tribunal  
Allahabad Bench  
Allahabad

A36

In re - OA No 575 of 1990

Union of Ind. & P. M. Carb  
vs.

Larkhan --- Opp Party - Respondent

The Following steps are being taken  
by Registrar for

1. Stay Valuation Application dated 29.1.91  
by Respondent Larkhan.
2. CA by Respondent in one original  
and two copies with annexes
3. One Extra copies of above for  
Deliberate Counsel
4. One Copy has been sent by  
Registrar to D.R.M. Under - For  
Receipt's put on the back of it  
in original

29.1.91

Respondent  
Larkhan  
(Larkhan)

Received by Post -  
 (Stamp) to keep it with file  
 and put up before Hon'ble  
 Court for orders  
 on 27/3/91  
 P. 4/2/91  
 D. R.

Central Administrative Tribunal  
 Additional Bench at Allahabad  
 Date: 27/3/91  
 CR  
 Date of receipt  
 by Post  
 Dy. Registrar  
 A35

C.A. No. 231/91

In the Central Administrative Tribunal, Allahabad .

In re :

O.A. No. 575 of 1990

Stay application No. 998 of 90

Union of India ...Vs... Layeek Khan

Fixed on 27.3.91

To,

The Hon'ble Vice-Chairman and his companion  
 Member of the Tribunal ,

For the vacation of the interim stay order granted in  
 the above case .

The humble application by the respondent Layeek  
 Khan for the vacation of the Interim Stay Order  
 most respectfully sheweth :-

- 1... That on the allegations contained in Annexed  
 Counter affidavit by the respondent duly sworn on  
 oath , it is respectfully prayed that the peti-  
 tion Union of India has got no prima facie case ,  
 balance of convenience or irreparable loss and  
 the Interim Stay order granted deserves to be  
 quashed . The facts and circumstances of the  
 case submitted in the annexed counter affidavit  
 will show that the above petition is not bonafide  
 and it snatched the valuable right of the respon-  
 dent and it affects the livelihood of the respondent  
 and his family.

2... That in the interest of justice ad-interim order deserves to be set aside immediately to & give a loof to your humble Respondent and his family,

It is, therefore, prayed that ad-interim order granted in the above case staying the recovery of amount as decreed by the Prescribed Authority under payment of Wages Act and by the Court of IInd Additional District Judge, Faizabad may kindly be quashed or any other suitable and just order may kindly be passed on the facts and circumstances of the case, to save your humble and poor respondent and his family from starvation further .

Counsel for Respondent :-



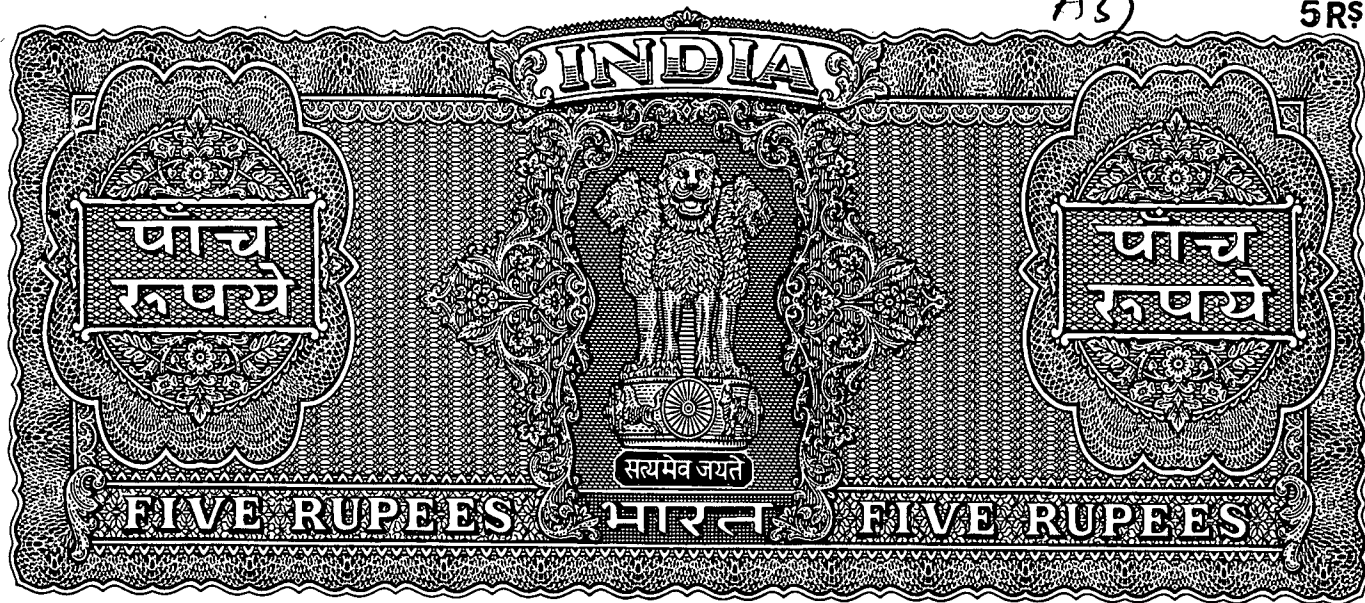
(R.C. Varma) Advocate

Allahabad :

Dated : 29 January 91.

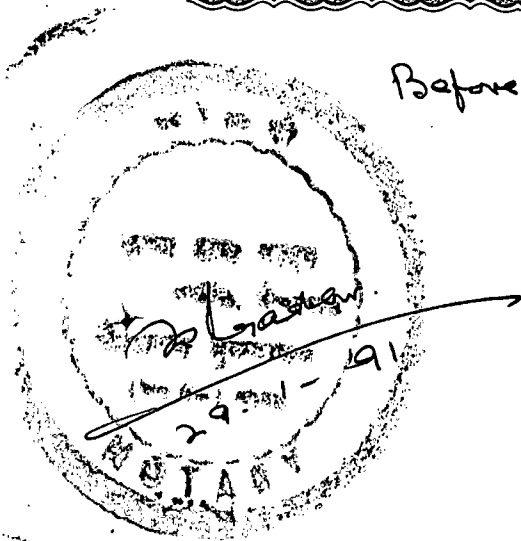
A37

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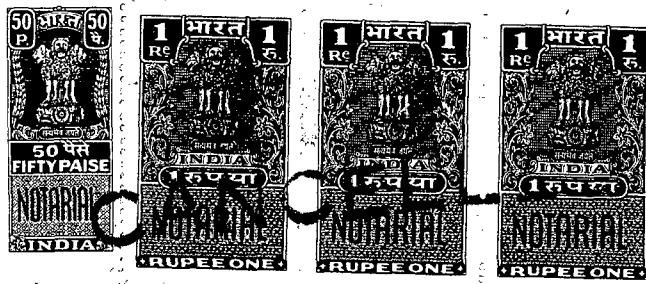
Before

C. A. T., A.M.



Attached with the  
affidavit

ल. इ. क. शा.



A38  
G5 Rs 57. attached  
26

Before, the Central Administrative Tribunal, Allahabad

In re :

O.A. No. 575 of 1990

Union of India .... petitioner

versus

Layee Khan .... Respondent

Fixed on 27.3.91

N. S. Rs. 3-50  
Affixed

Counter Affidavit by Respondent Layee Khan against  
the petition filed by Union of India .

I, Layee Khan aged about 40 yrs son of Sri  
Jakir Khan, resident of Quarter No. 1/ 29 Line No.A  
Railway Colony , Loco Shed , Northern Railway, Faizabad  
do hereby solemnly affirm and state on oath as under :

- 1...That the deponent is Respondent in the above noted  
case hereinunder referred as Respondent .
- 2....That the deponent Respondent is well acquainted  
with the facts of the case narrated herein under;
- 3...That by this Counter Affidavit reply , the respon-  
dent submits that the above case is an attempt  
to abuse of process of the court being in active  
and advantageous position and a malafide act of  
the concerning officer not giving the Service Right  
of the ~~petitioner~~ (deponent ) and true and full  
facts of the case have not been given by the  
Appellant.

लेई कान

- 4.... That before replying against the petition , the

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page 2

respondent submitting the following facts and circumstances of the case in order to assess the act of victimization and unfair labour practice of the petitioner and his harrasing tendency. ७

5 .. That the respondent was appointed on 15.4.76 on the post of Cleaner in the Northern Rly at Faizabad and promoted in 1981 to the post of Fireman 'C' and again promoted to the post of Fireman 'B' but the respondent could not go on transfer to Varanasi so the petitioner cancelled his promotion. ७

6 ... That the respondent despite of his promotion on the post of fireman 'B' in 1981 has not been paid the salary of Rs. 260/- p.m. but has been paid illegal and unlawful deducted salary at the rate of 226/- p.m. ७

7 .... That while the respondent was posted at Faizabad his son sustained the major injuries resulting fracture of his hand on 4.3.1986 for which the respondent applied for leave from 15-3.86. ७

8 ... That respondent reported on duty on 28.3.86 to clerk concerned Sri Munni Lal Yadava, clerk of Loco Shed. N.Rly, Faizabad who inspite of request did not provided the duty because he was not given his illegal demand. ७

9 ... That the respondent was ready to do the work but the petitioner's officer did not choose to take the work from the respondent from 28.3.86. ७

10... That the respondent gave a registered notice by postal receipt No. 1205 dated 21.4.86 which was served on the petitioner and its officer but they paid no attention nor gave duty to the respondent. ७

अ. प्र. क. र. व.

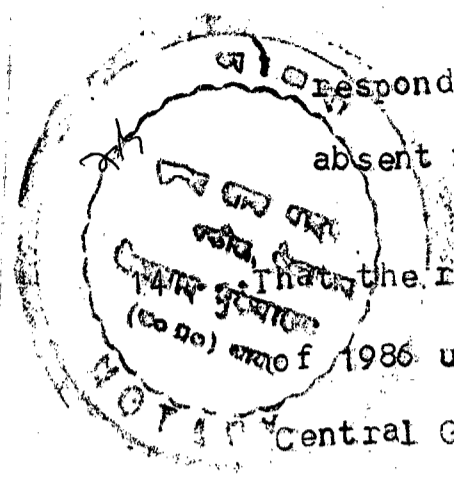
The respondent was always ready to do the duty and still is ready to do the duty but petitioner and its officers did not choose to take the duty as yet.

11... That the petitioner as yet did not terminated the services of the petitioner nor any dismissal order has been passed nor the petitioner is under suspension. The relationship of Master and servant exist between the petitioner and respondent.

12... That on 21.3.1986 in M.O.R. register kept by the petitioner in its Locoshed office N.R. Faizabad at page e 27 dated 28.10.1987 the respondent to the active knowledge of the petitioners has written that the respondent was always ready to join his duties from 28.3.86 but inspite of this endorsement they (petitioners) and its officers did not gave duty.

13 ... That for and on behalf of petitioner the Disciplinary Authority A.M.E.I. Lucknow gave a charge sheet on 26.10.87 for unauthorised absence from duty from 30. 4. 86 and a reply was submitted against it on 25.11.87 denying the allegations of the charge-sheet and alleging aforementioned facts but the Disciplinary Authority without enquiry and without affording opportunity passed an order reducing the respondent from the post by order dated 16.5.89 which was received on 23.5.89 against which an departmental appeal was submitted on 24.6.89 which has been allowed by order dated 24.10. 89 by the Divisional Railway Manager, Lucknow and

Am



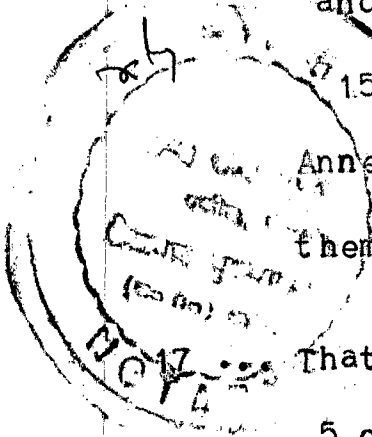
Respondent was declared not to be unauthorised absent for the aforesaid period . 7

That the Respondent filed a case L.C.A. No.308 of 1986 u/s 33 C (2) of the I.D.Act before the Central Government Industrial Tribunal cum Labour court, Kanpur in which an order has been passed on 6.9.88 which has been filed by the petitioner showing at page 17 to 34 at serial no. 6 on their Index . The above order reveals the entire facts and in compliance of that order the respondent applied to the petitioner's officials for giving a decision of the aforementioned period but the petitioner's officials have not given the decision within three months from the date of that order .

15 ...That the above order at page 7 while dealing issue no. 1 clearly proves that the petitioner's office has been given clear direction for passing specific orders regarding the absence and at page 8 in operative portion there is same direction. to pass specific order but the petitioner's officer did not pass the specific order inspite of repeated demands and requests . 7

16 ...That the respondent after being exonerated from the charges filed a case u/s 15 of the Payment Wages Act claiming his wages from November 1986 October 1987 for which notices have been served the petitioner's officers but they did not A and the case was proceeded ex-na . all the documents ha

अधिकृत



prescribed Authority under the Payment of Wages Act. and proved it. On that basis a direction under sec. 15 (3) of the payment of Wages Act, was given by Annexure No. A. II as filed by the petitioners themselves.

That the respondent filed an Appeal Misc. Appeal No. 5 of 1989 before the District Judge, Faizabad u/s 17 of the Payment of Wages Act for the enhancement of Compensation which has been transferred to the 2nd Additional Distt. Judge, Faizabad in which petitioners' officers ~~xxxxxx~~ appeared through their counsel and argued on compensation only and the order was passed through Annexure A-1 as filed by the petitioner.

18 ... That under payment of Wages Act after the decision of Appeal the case becomes final and it can not be agitated any further.

19 ... That after the appeal when the recovery proceedings started against the petitioners then this case has been filed before this Hon'ble Tribunal.

20 ... That para 1 of the present case in which particular has been given is not disputed.

21 ... That para 2 of the petition is not admitted as the decision of Appeal vide Annexure A-1 of the petition the case became final and can not be agitated before this Hon'ble Tribunal.

22 ... That para of the petition is regarding limitation. It is not admitted by the respondent.

चौक ५/५/८९

23 ... That para 4 of the petition is regarding the facts of the case. From sub para 1 to 3 are not admitted as alleged. The petitioner has concealed the True facts. True facts are given above. ✓

24 ... That regarding the grounds of petition given in sub para 4 under head A to J it is not admitted as prescribed Authority afforded full opportunity to the petitioner's officials and principle of Natural Justice has not been violated. The grounds are not tenable and it can not be again agitated by the above petition and order 2 rule 2 and section 11 of C.P.C. are not applicable u/s 18 of the Payment of Wages Act. The compensation granted was proper and just as the petitioner's officers denied the very right of the respondent then it will be covered under unlawful deducted wages. The findings of the Annexures A 1 and A -2 are based on correct materials on record. ✓

25 ... That paras 6 and 7 , 8 , 9, 10 of the petition are not admitted as alleged. ✓

26... That in case an appeal in Annexure A-1 and A-2 the Divisional Rly Manager , N.Rly Lucknow and Divisional Mechanical Engineer, N. Rly, who were the payment of wages authority of the respondent u/s 3 of the payment of Wages Act have been impleaded as party but that authorities have not filed the present case, hence the case is not maintainable by Union of India. ✓

at 6/12/2017

27 ..That the respondent is filing the following documents which are true copies of their originals in support of his contentions.✓

Annexure no. 1 copy of registered notice dated 21.4.86 .✓

Annexure no. 2 Copy of order dated 24.10.89 passed by Appellate authority exonerating the respondent from the charges.✓

Annexure no.3 copy of reply ( 12.1.87 ) by the Divisional Rly Manager, Lucknow in 2(A) case before Asstt. Commissioner, Labour , Central, Lucknow .✓

Annexure no.4 copy of application dated 11.4.87 which shows that on behalf of appellant it is said that unless and until the case is not decided by the M.E.(1st) the respondent will not be given duty.✓

Annexure no. 5 copy of list of the documents filed in P.W.case 68 of 1987 by the respondent.✓

28 ... That on the above facts and circumstances of the case and the grounds ,the petition of the petitioners is liable to be dismissed with special costs to the respondents.

Dated : 29.1.90

Deponent respondent :

I, deponent respondent Layeek Khan, do hereby verify on oath that contents of paras 1,2,3,5,6,7,8,9,10,11,12,13, 15,17,19, 27 of this affidavit are true to my own knowledge and that of paras 4,14,15,18,20,21,22,23,24,25,26,28 are true to my belief which I consider to be true. Nothing has been concealed or misrepresented so help me God.Verified on this 29.1.91 in courts compound, Faizabad

लयेक खान

लयेक खान Layeek Khan(deponent)

I identify deponent Layeek Khan personally known to me.and signed before me

R.C.

Varma, Advocate

29/1/91

*Annexure No. 1*

नोटिस अन्तर्गत धारा 80 बाबत की कमी ।

देखा है,

श्री मान गण्डकीय रेलवे प्रबन्धक महीदय,  
उत्तर रेलवे इजराय गव. स्तानक ।

धारा,

सर्वेक गाँ हूँ श्री वाकिर हाँ ० पर कि। सी। (आवाह)

विषय :- नोटिस अन्तर्गत धारा 80 पर ता की कमी ।

श्री म.

आपकी स्पष्ट विवेक निम्नलिखित आधारों पर नोटिस देना  
निश्चित हो गया है ।

धारा 1- यह कि नोटिस देहन्दा का कका गत मार्च 4 की लोकी अमद  
पीट लाक गिर गया फलतः उसके वाकिने हाथ की हकी  
में फिर । *Signature* । हो गया था । उस समय नोटिस  
देहन्दा खुदों पर था कारण उसकी कमी में लगे ही अस्ताव  
में से बाकर वाकिर किया था । खाँ पर प्रथम उपचार है  
बाद लगे का प्रचार करा दिया गया । उस सरे कार्य में  
बार दिन का समय लगा ।

धारा 2- यह कि कमी की वशा गम्भीर हो जाने के कारण उपचार के  
लिए नोटिस देहन्दा ने अपनी फोरम महीदय से गुट्टी मांगी  
किन्तु उन्होंने अकार कर दिया । उसके बाद नोटिस देहन्दा  
ने मजदूर हाँक रेलवे के अधिकार से रिक मेपई के आधार पर  
आख्या लेकर फोरम महीदय से पुनः गुट्टी देने काफा की  
किन्तु फोरम महीदय ने पुनः अधिकार की आख्या के बावजूद  
भी उस दरलवास्त निरस्त करते हुए गुट्टी देने से इनकार कर  
दिया ।

धारा 3- यह कि अधिकार साहब के बाकर अब अपनी आख्या की लोकीन  
कारण फोरम महीदय से गुट्टी यह फोरम बाकर 15 मार्च के  
27 मार्च तक को गुट्टी स्वीकार की दिनांक 28.3.86 को यह  
नोटिस देहन्दा खुदों परगया तो लगे सम्बन्धित दस्त हूँ

की 0010010

अ. ई. कर्वा



-3-

ये तथा समस्त छात्र द. वै. बोर्ड की जिम्मेदारी बतला देना ना  
 एक छोटा जमायदारी पर होती। कृपया इस नोटिस को उम्मीद  
 कर एकी नोटिफिकेशन पर देश की वापसी। एकी एक  
 इस नोटिस देना के साथ सुरक्षित है।



दिनांक :- 21.4.1986

नोटिफिकेशन

लक्ष्मी

। बरत लाई ।



Annexure No 3

NORTHERN RAILWAY.

No. 757/W/1-3/80.

Divisional Office,  
Lucknow, Dt/- 22.1.87.

To  
Sri R.N. Ghellani,  
Asstt. Labour Commissioner (Central),  
Lucknow.

Sub :- Industrial Dispute between the Management of  
Divisional Office, Northern Railway, Lucknow  
and Lovers Men w/o Sri Jatin Khan, Lucknow/  
Fairabad w/o 2-1/10(2) of the act.

2(R)1/10(2)

The various comments on the application in the above  
case are sent herewith.

Para-1: Not accepted due to the reason that his correct date of  
appointment as a Sd Cleaner is 15.4.76 not 15.4.74.

Para-2: No comments.

Para-3: Accepted upto the extent that the employee was promoted  
from Cleaner to Fireman 'C' in sr. 210-270 (SR) with  
effect from 28.3.71.

Para-4: Not accepted, according to his seniority position he  
was promoted from F/Wan 'C' to Fireman 'B' in sr. 260-320 (SR) with this office notice No. 745 W/-  
Dt/- 28.4.84, but he refused his promotion due to  
his transfer from Fairabad to Varanasi. His request for  
refusal was accepted vide this office notice No. 745 W/-  
Dt/- 1.7.84.

Para-5: No comments.

Para-6: Accepted upto the extent that he was promoted as F/W  
as Fireman 'C' not as Fireman 'B'.

Para-7: Not accepted due to the reason that pay scale of F/W  
'C' was Rs. 210-270 (SR) not Rs. 260-320 (SR) in 1981.  
His pay was Rs. 214/- per month, not Rs. 226/-.

Para-8: Stated in para - 7.

Para-9: No comments.

Para-10: No comments.

Para-11: Not accepted as the employee was on unauthorized absence  
from 2.1.80 and onwards.

Para-12: Not accepted in face of para 11 above.

Para-13: Not accepted in face of para 11 above.

अ ९ ५२११

Cmtt. ....

- 121 -

Para-140 ) Not recorded due to the reason that the employee left  
 Para-150 ) not his duty on 29.3.86 not on 29.3.86 and the  
 Para-160 ) same day, he was booked for duty of 7.7 (Wednesday)  
 for 29.3.86 at 6/15 a.m. but to the nearest person the  
 duty was not given on that day. The duty on 29.3.86  
 at 6/15 a.m. on 30.3.86 at 7.7.86 the employee was not  
 present for duty by 7.7.86 but he was not present at  
 home. There was no call now he is on a leave of absence  
 from 29.3.86 to 30.3.86.

Para-170 Not recorded in form of para 15.3.86.

Para-180 The employee was present for duty on 29.3.86 and 7.7.86 in March  
 1986. He was not present for duty on 29.3.86 and 7.7.86 in March  
 1986. He was not present for duty on 29.3.86 and 7.7.86 in March  
 1986.

Para-190 The employee was present for duty on 29.3.86 and 7.7.86 in March  
 1986. He was not present for duty on 29.3.86 and 7.7.86 in March  
 1986.

Para-200 To be recorded.

Para-210 To be recorded.

Para-220 Not recorded as the employee was not present for duty on 29.3.86 and 7.7.86 in March 1986.

Para-230 To be recorded.

Para-240 Not recorded as the employee was not present for duty on 29.3.86 and 7.7.86 in March 1986.

Para-250 To be recorded.

Para-260 Not recorded as the employee was not present for duty on 29.3.86 and 7.7.86 in March 1986.

Para-270 To be recorded.

Para-280 To be recorded.

Para-290 Not recorded as the employee was not present for duty on 29.3.86 and 7.7.86 in March 1986.

Para-300 To be recorded.

Para-310 Not recorded as the employee was not present for duty on 29.3.86 and 7.7.86 in March 1986.

*[Handwritten signature]*

*[Handwritten signature]*

दि० 11/4/87

मेवा में  
श्रीमान

Annexure No. 4

ASO

लोको जोर में

कोर्ट में देखें, के आलाप

महोदय

प्राचीन के बार बार आता करने पर  
भी लादी समय में इधरी ली ली

जा रही थी। लाल दि० 10/4/87 के

लोको जोर में महोदय लाल बुक के

में मुझे इधरी के रहे हैं जिसे मैं

देकर इधरी के बताई।

प्राचीन लड़कियां

रंज

दुपगावा

कोर्ट में लड़कियां

कोर्ट में लड़कियां

(लड़कियां खों)

कोर्ट में लड़कियां

कोर्ट में लड़कियां

कोर्ट में लड़कियां

दि० 09/10/86

कोर्ट में लड़कियां

कोर्ट में लड़कियां

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कोर्ट में लड़कियां

11/4/87

कोर्ट में लड़कियां

1000

M. Rly. Faizabad

लड़कियां

Annexure

रीवा में

श्रीमान प्राध्यापक महोदय  
(बैतना गुगलान अधिनियम)  
पैदाबाद।

पी० डब्लू० सं० 63/87.



बिहारवा - - - - - प्रार्थना  
डिविजन रेलवे में नजर - - - - - विपक्षी  
पेशी दिनांक 5.4.88.

पक्षी की और से पक्ष के सम्बन्ध में  
दार्शनिक और तैयारी की सूची.

1. जोट स्टेट प्राध्यापक पक्ष दिनांक 11.4.87 द्वारा पक्षी  
जिसमें लोकप्रिय और नैतिक विचारों में।
2. जोट स्टेट विपक्षी पक्ष स्टेट में दिनांक 5.2.87.
3. जोट स्टेट सु० पी० सी० दिनांक 9.12.86 जिसके द्वारा  
पक्ष ने प्राध्यापक पक्ष लोकप्रिय और नैतिक विचारों में  
पैदाबाद को जताया कि वे कार्य करने को  
तैयार हैं मुझे ज्ञात दिया जाय।
4. जोट स्टेट सु० पी० सी० दिनांक 10.12.86 जिसके द्वारा  
पक्षी ने प्राध्यापक पक्ष लोकप्रिय और नैतिक विचारों में  
पैदाबाद को जताया कि वे कार्य करने को तै-  
यार हैं मुझे ज्ञात दिया जाय।
5. जोट स्टेट सु० पी० सी० दिनांक 11.12.86 जिसके  
द्वारा पक्षी ने प्राध्यापक पक्ष दिया कि वे कार्य करने  
को तैयार हैं मुझे ज्ञात दिया जाय।

13. जोटस्टेट पू. पी. सी. दिनांक 21.12.86. जिसके द्वारा वकील ने प्रार्थना पत्र लौकोजीर में न. 11.2.86 को जमा किया कि मैं आप को तैयार हूँ मुझे आप दिया जाय।
14. जोटस्टेट पू. पी. सी. दिनांक 23.12.86. जिसके द्वारा वकील ने प्रार्थना पत्र लौकोजीर में न. 11.2.86 को जमा किया कि मैं आप को तैयार हूँ मुझे आप दिया जाय।
15. जोटस्टेट पू. पी. सी. दिनांक 24.12.86. जिसके द्वारा वकील ने प्रार्थना पत्र लौकोजीर में न. 11.2.86 को जमा किया कि मैं आप को तैयार हूँ मुझे आप दिया जाय।
16. जोटस्टेट पू. पी. सी. दिनांक 27.12.86. जिसके द्वारा वकील ने प्रार्थना पत्र लौकोजीर में न. 11.2.86 को जमा किया कि मैं आप को तैयार हूँ मुझे आप दिया जाय।
17. जोटस्टेट पू. पी. सी. दिनांक 29.12.86. जिसके द्वारा वकील ने प्रार्थना पत्र लौकोजीर में न. 11.2.86 को जमा किया कि मैं आप को तैयार हूँ मुझे आप दिया जाय।
18. जोटस्टेट पू. पी. सी. दिनांक 30.12.86. जिसके द्वारा वकील ने प्रार्थना पत्र लौकोजीर में न. 11.2.86 को जमा किया कि मैं आप को तैयार हूँ मुझे आप दिया जाय।
19. जोटस्टेट पू. पी. सी. दिनांक 31.12.86. जिसके द्वारा वकील ने प्रार्थना पत्र लौकोजीर में न. 11.2.86 को जमा किया कि मैं आप को तैयार हूँ मुझे आप दिया जाय।
20. जोटस्टेट पू. पी. सी. दिनांक 31.12.86. जिसके द्वारा वकील ने प्रार्थना पत्र लौकोजीर में न. 11.2.86 को जमा किया कि मैं आप को तैयार हूँ मुझे आप दिया जाय।

AS3

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : ALLAHABAD

Registration No. 575 of 1990

Union of India Vs. Laik Khan

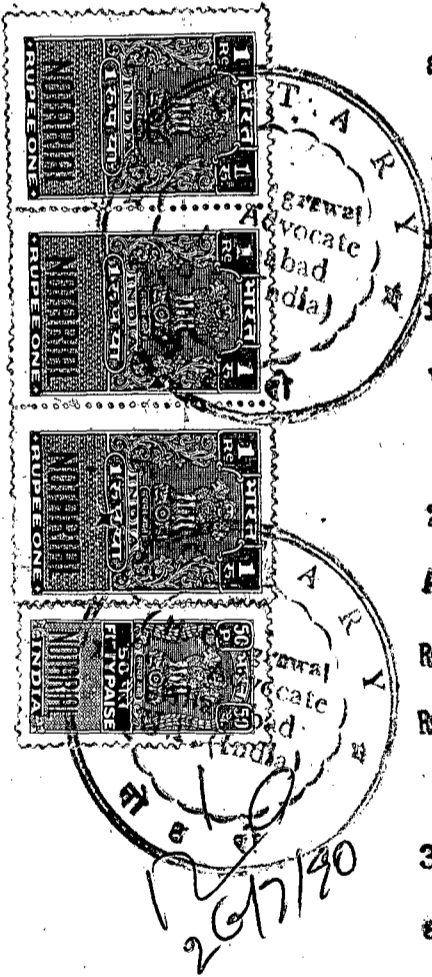
Affidavit of S.N.Lal, Chief Law  
Assistant, Litigation Cell at  
D.R.M.Office, Lucknow.

I, the deponent named above do hereunder  
solemnly affirm and state as under :-

1- That the deponent is the Chief Law Assistant  
in Litigation Cell, D.R.M.Office, Lucknow and  
incharge of the present petition as such is well  
versed with the facts deposed to below.

2- That on 30-12-88 the Learned Prescribed  
Authority awarded Rs.9,400/- as earned wages,  
Rs.1,000/- compensation and Rs.200/- costs, Total  
Rs.20,600/- only.

3- That the respondent preferred an appeal  
against the said order wherein the appellate  
authority enhanced the compensation from Rs.1,000/-  
to Rs.9,700/- as is apparent in the order as well as  
in the body of the judgment which is Annexure A1  
but in the certified copy which have been issued  
from the Court the amount of compensation have been  
wrongly written as Rs.97,000/- .



Shankar

ASy

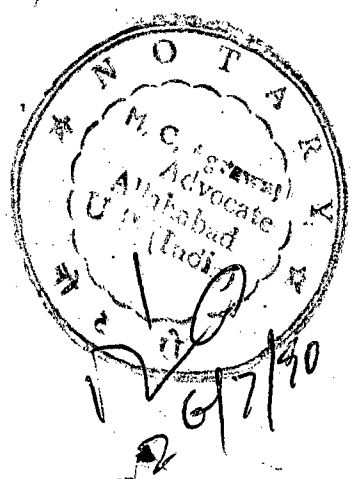
4- That the amount awarded is Rs. 9,700/- and not Rs. 97,000/-.

5- That since ~~no~~ <sup>recovery notice Dt. 21.6.90</sup> ~~no~~ <sup>has already been</sup> ~~issued~~ <sup>issued</sup>, hence amendment in order is not possible in such short period.

I, the deponent do hereby verify that the contents of paras 1 to 5 of the affidavit are true to my personal knowledge derived from official records and on legal advice which I believe to be true, no part of it is false and nothing material has been concealed. So help me God.

Shri Nandu  
DEPONENT 26/7/90

Identified  
26.7.90



S. N. Kal  
26/7/90 12-1 pm  
जिनकी शिनाखत श्री S. P. Agarwal  
ने की इस शपथ पत्र को पत्रकार ने लेने के बाद तस्दीर किया कि इस पत्र में लिखित बातें सत्य हैं।  
26/7/90

मलमन्त्र अग्रवाल  
नोटरी, एव एडवोकेट  
अलाहाबाद

6573

13.11.90

ASS

Before,

The Hon'ble Administrative Member and Judicial member,

The Central Administrative Tribunal,

Allahabad Bench,

Allahabad.

In the Matter of O.A. No.575 of 1990

Union of India through G.M., D.R.M. (N.Rly) ..... Applicant  
Respondent.

Vs.

Laik Khan ..... Respondent.

Last date fixed 26-9-90

Hon'ble Sir,

The above noted Respondent, Laik Khan, came to know, on 9-11-90 from the Labour Office Faizabad, that the above noted Case, has been filed on 26-7-90, by the above Applicant, through Sri G.P. Agerwal, P.O., It also came to know that this Hon'ble Tribunal, has ordered, to issue notice, to the undersigned respondent, to file reply within 6 weeks. The Undersigned Respondent, has not been served with any notice nor he has been apprised the above noted case, by the Applicant, hence no chance was given to refute the allegations of above noted case.

The respondent, is a very poor man and the Applicant, has not paid the respondents wages since 1986 inspite of the fact the Applicant admits the respondent employment. The Son of the Respondent died due to lack of treatment, because the respondent have no money to spent. The Respondent and his family are starving and the Respondent have no money to come at Allahabad.

S.O. (Sud) for  
2.9.

13/11/90

DR

Rishu Kumar

14/11/90

AST

-2-

It is therefore prayed that the Applicant be ordered to  
deposite the amount decreed in Labour Office Faizabad in  
the Original Case, as required under Section 17(IA) of Payment  
Wages Act 1936 and also be directed to supply the copies  
of the case, to the respondent on following address:-

*WSW*  
Respondent

Laik Khan Son of Sri Jakir Khan

Line No I/29 Quarter No'A' Loko Shed

Northern Rly , Faizabad.

Date 11-11-90

Note. *File in two copies plus  
Three copies by Registrar  
Post Thru Registrar.*