

(23)

CAT/J/12

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

BOMBAY BENCH

O.A. No.
~~TXAXXN8~~

in 567/91 (OA 563/91)
198

DATE OF DECISION 7.10.1991

Shri Tejbhahur Singh and ors. Petitioner

Mr.G.S.Walia Advocate for the Petitioner(s)

Versus

The Union of India and ors. Respondent

None Advocate for the Respondent(s)

CORAM

The Hon'ble Mr. M.M.singh, Member (A)

The Hon'ble Mr. T.C.Reddy, Member (J)

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

No

(04)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

OA NO. 563/91
in St.No.567/91

Shri Tejbhadur Singh and others
working in Matunga Workshop,
Central Railway, Matunga,
Bombay.

..... Applicants

V/s

The Union of India
and others

CORAM : HON'BLE SHRI M.M.SINGH, MEMBER(A)

HON'BLE SHRI T.C.REDDY, MEMBER(J)

Appearance:

Mr.G.S.Walia,
Advocate for the
applicants

ORAL ORDER

DATED : 7TH OCT 1991

(PER : M.M.SINGH, M/A)

Heard Mr.Walia, learned Counsel for the applicants.

2. This original application filed under Section 19 of the Administrative Tribunals Act 1985 seeks relief against the deduction of wages of the applicants for the period 20.3.1991 to 23.3.1991 from the wages of September 1991 paid in the month of October 1991. Though the wages for this period had been disbursed in the wages for the month of March paid in April 1991, the deductions came to be made as alleged.

3. It appears that 200 persons had started an agitation at Matunga Workshop of Central Railway and the said persons held some gate meetings and demonstrations for their demands with which the applicants herein claim to have had no concern despite which, after initially disbursing the wages for the days above stated, the amount of the wages was deducted from the wages of the month of September paid in the month of October 1991.

M. M. L. 2.

05

4. Allegedly no order with regards to deduction above was issued and, according to the learned counsel for the applicants, they ^{4 heard} learned about the deduction from the Union of the workers.

5. We are of the view of that when an employer, without issuing a written order, deducts wages of any of the employees in the manner above alleged, he deprives the employees of their right under Section 19 (1) of Central Administrative Tribunals Act, 1985 which provides for raising a grievance before this Tribunal against an order pertaining to any matter within the jurisdiction of the Tribunal. Deduction of wages is undoubtedly such a matter.

6. We are therefore of the view that this original application can be disposed of at the admission stage itself by giving directions to the Respondent No.2 i.e. Chief Workshops Manager, Matunga Workshop, Central Railway, Matunga, Bombay, that he shall not deduct the wages of the applicants for the period of 20.3.1991 to 23.3.1991 without passing written order about such deduction and if the deduction has already been made without issuing a written order, the amount of the wages so deducted shall be returned to the applicants within a period of 30 days from the date of his receiving a copy of this order.

7. We hereby clarify that the Respondents will have the liberty to issue a proper written order of deduction of wages for the above period in accordance with the law and rules.

M. M. L.

(06)

8. We allow the M.P.No.810/91 for permission to the applicants to file one application.

9. There is no orders as to costs.

10. "Dasti service of this order allowed.

11. The above OA stamp should be given regular OA number by the Registry.

T. C. Reddy
(T.C.REDDY)
MEMBER(J)

M. M. Singh
(M.M.SINGH)
MEMBER(A)