

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD.

Allahabad this the 13 day of December 1996.

Original application No. 226 of 1996.

Hon'ble Mr. D.S. Baweja, AM

Union of India through (1) General Manager,
Northern Railway, New Delhi (2) D.R.M.,
N. Railway, Allahabad and (3) D.P.O.,
N. Railway, Allahabad and (4) Station
Superintendent Kanpur N. Railway.

..... Applicants.

C/A Sri G.P. Agarwal

Versus

1. Satish Chand Jha, S/o Baijnath Jha,
Waiting Room Bearer through Sri B.P.
Pandey, R/o 106/371, Heerganj, Knapur.

2. The Prescribed Authority under the
Payment of Wages Act 1936 at Kanpur.

.... Respondents.

C/R Sri R.P. Singh

O R D E R (ORAL)

Hon'ble Mr. D.S. Baweja, AM

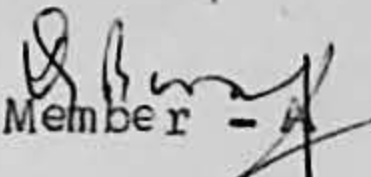
This application has been filed praying for
setting aside the order dated 13.8.95 passed by the
Prescribed Authority under the payment of Wages Act in
P.W. case No. 848/89.

2. The respondent No. 1 in the present application
had filed a case P.W. 848/89 before the Prescribed
Authority under Payment of Wages Act with regard to non
payment of overtime covering the period from 14.10.86 to
31.3.89. Vide order dated 30.8.95 the Prescribed Authority
awarded payment of Rs. 34,236/- with a compensation of
Rs. 68,472/- to the present respondent No. 1. This appli-
cation has been filed against this award.

Contd..2...

3. This application has been filed directly before the Tribunal without availing the remedy of appeal in the District Court. The ^{issue} ~~matter~~ with regard to jurisdiction of the Tribunal in the ^{award} ~~matter~~ of the ^{Act by Prescribed} ~~wages~~ ^{under} by the Payment of Wages Authority has been decided by the Hon'ble Supreme Court in the judgement of K.P. Gupta Vs. Controller Printing and Stationery AIR 1996 SC 408. As per this judgement, the Tribunal has no jurisdiction to entertain the application against the award of Prescribed Authority without availing the alternative remedy of appeal as provided under Section 17 of Payment of Wages Act. In view of this, the present application is not maintainable before the Tribunal and is dismissed accordingly. The applicant if so advised may file an appeal in the appropriate Court under the payment of Wages Act.

4. Vide order dated 16.2.88, stay was granted against the implementation of the order of Prescribed Authority. In view of the above, the said stay is also vacated.


Member - A

Arvind.