

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH  
ALLAHABAD

Dated : Allahabad this the 10th day of May, 1996.

CORAM : Hon'ble Mr. S. Das Gupta, Member-A  
Hon'ble Mr. T. L. Verma, Member-J

Original Application No. 535 of 1996.

1. Union of India through the General Manager,  
North Eastern Railway, Gorakhpur.
2. The Divisional Railway Manager, North Eastern Railway,  
Izatnagar. ....Applicants.

(BY ADVOCATE SHRI PRASHANT MATHUR)

V E R S U S

1. Chief Judicial Magistrate, Mathura.
2. District Judge, Mathura.
3. Prescribed Authority under the Payment of  
Wages Act, 1936, Mathura.
4. Sri Chaggan Lal Gupta, s/o. Shri Kundan Lal,  
R/o. House No. 1302, Nayiwalli Gali, Kotwali,  
Road, District Mathura.

....Respondents.

(BY ADVOCATE SHRI )

OR D E R (Oral)

(By Hon. Mr. S. Das Gupta, Member-A)

This application has been filed challenging the order dated 14.2.1996 passed by the Chief Judicial Magistrate, Mathura whereby an order has been passed for realisation of the amount of Rs. 54,678/- as fine and a warrant of arrest is to be issued in case the amount is not deposited immediately. It has been prayed that a direction be issued quashing the aforesaid order passed by the Chief Judicial Magistrate, Mathura and to command the respondents not to recover the amount in question from the Railway.

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Administration under coercive methods.

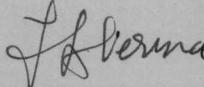
2. It appears from the facts averred that the respondent No.4 had filed an application under Section 15(2) of the Payment of Wages Act, 1936 for realisation of a sum of Rs. 54678/- from the applicants. The applicant filed a counter reply but, it was decided ex parte by the Payment of Wages Authority on 31.3.1994 awarding a sum of Rs. 54678/- to respondent No.4. The applicants filed an application for recalling the order which was rejected on 8.8.1995. In compliance of the order dated 31.3.1994, the applicant issued a cheque dated 29.2.1996 for a sum of Rs. 54678/- in favour of the Prescribed Authority so that the requisite certificate for filing appeal before the District Judge may be made available. The applicants filed an application dated 29.3.96 in which a prayer was made that the requisite certificate be issued and the amount deposited be not disbursed. The Prescribed Authority under the Payment of Wages Act did not however, accept the cheque and failed to pass any order on the application made by the applicants, as a result of which the requisite certificate was not granted. Thereafter, the applicants filed an appeal under Section 17 of the Payment of Wages Authority Act, 1936 before the District Judge, Mathura challenging the ex parte award dated 31.3.94. A prayer was also made that the amount in question be allowed to be deposited, but the same be not disbursed to respondent No.4. It appears that the District Judge has issued a notice of the application for condonation of delay in filing the appeal and also notice of the application for the deposit of the aforesaid compensation amount awarded. It has further been ordered that the case be put up on 18.5.96 for hearing.

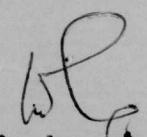
3. It is quite clear from the averments that the award of the Prescribed Authority is under challenge before

W.C.

the District Judge in accordance with the provisions contained in Section 17 of the Payment of Wages Act, 1936. In a recent case Hon'ble Supreme Court has held that the Administrative Tribunals Act, 1985 does not oust the jurisdiction of the District Judge under Section 17 of the Payment of Wages Act. Since the matter is pending before the District Judge and there is no order passed by the District Judge rejecting the prayer of the applicants, we are of the view that we can not assume jurisdiction at this stage and interfere in the matter. It would be advisable for the applicant to approach the appellate authority and make submissions as to why the order issued by the Chief Judicial Magistrate be stayed or quashed. We have no doubt that the learned District Judge will give proper consideration to the submissions made and pass appropriate orders in accordance with law.

4. In view of the observations made above, we hold that this application is not maintainable at this stage and is dismissed accordingly.

  
Member-J

  
Member-A

Dated : May 10, 1996.

(Pandey)