

CENTRAL ADMINISTRATIVE TRIBUNAL,
ALLAHABAD.

Registration T.A.No. 460 of 1987.

(P.W.Application No. 63 of 1985)

Mangal Prasad . . . vs. . . The Divisional Rail Manager,
N.Railway, Allahabad and
another.

Hon'ble Justice Shri S.Zaheer Hasan, Vice Chairman(J)
Hon'ble Shri B.C. Mathur, Vice Chairman (A).

(Delivered by Hon.S.Zaheer Hasan, V.C.)

Mangal Prasad was employed in the Railway Establishment under the Permanent Way Inspector, Northern Railway, Manauri, Allahabad. He filed an application under the Payment of Wages Act, 1936 (hereinafter referred to as the P.W.Act) before the Authority appointed under the Payment of Wages Act for Allahabad area claiming Rs. 61,600/- as wages and compensation amounting to Rs. 6,16,000/-. By an order dated 24.12.1986 this case has been transferred to this Tribunal purporting to be under Sec.29 of the Administrative Tribunals Act, 1985.

In General Manager, N.E.Railway, Gorakhpur and others vs. Phooldeo and others (Civil Misc. Writ Petition No. 13349 of 1986 decided on 2.2.1987) a Division Bench of the Hon'ble High Court of Allahabad has held that the jurisdiction of the Prescribed Authority under the P.W. Act is not ousted by the provisions made in the Administrative Tribunals Act.

In Jaddish vs. D.P.O., N.Railway, New Delhi (Registration T.A.No. 876 of 1986 decided on April 24, 1987) this Bench has held that the enforcement of the right and obligation created under the P.W.Act can be had before the Authority under that Act and such type of case under the P.W.Act cannot be transferred to this Tribunal. So, we hold that this case has been wrongly transferred to this Tribunal and we cannot decide the same for want of jurisdiction.

Let the record of the case (Application No. 63 of 1985) be retransmitted to the Authority appointed under the Payment of Wages Act for Allahabad area.

J. V. V. 26.6.87
VICE CHAIRMAN(J)

June 26, 1987.
R.Pr./

D. S. S. S.
VICE CHAIRMAN(A)