

CENTRAL ADMINISTRATIVE TRIBUNAL,

ALLAHABAD.

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REGISTRATION T.A.NO. 436 of 1987  
(P.W.Case No. 187/79)

Jhabbloo . . . vs. . . D.P.O., Northern Railway, New Delhi

Hon. Justice Shri S. Zaheer Hasan, Vice Chairman.

Hon. Shri Ajay Johri, Member(A).

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

This application has been received on transfer from the court of City Magistrate and Authority Appointed under the Payment of Wages Act, for Saharanpur Area at Saharanpur.

Applicant Jhabbloo moved an application (Case No. 187/79) under Section 15(2) of the Payment of Wages Act, 1936 (hereinafter referred to as the P.W. Act) for refund of Rs. 19676.40 as illegally and unauthorisedly deducted wages and Rs. 196764.40 as compensation,

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. 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 Jagdish 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 & obligation created under the P.W. Act can be had before Authority under that Act and such type of case under Section 15 of the P.W. Act cannot be transferred to this Tribunal. So, we hold that this case has been wrongly transferred.

Let the record of the case (P.W.Case No. 187 of 1979) re retransmitted to the City Magistrate and Prescribed Authority under the P.W.Act for Saharanpur Area at Saharanpur.

VICE CHAIRMAN

MEMBER (A)

July 24, 1987.  
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