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CENTRAL ADMINISTRATIVE TRIBUNAL,
ALLAHABAD.

REGISTRATION T.A.NO. 490 OF 1987.
(P.W.CASE NO. 271 OF 1981)

JAI PRAKASH SHARMA ..vs. THE 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.)

Applicant Jai Prakash Sharma filed this application before the Authority under the Payment of Wages Act for Saharanpur area at Saharanpur, under Section 15 of the Payment of Wages Act, 1936 (hereinafter referred to as the P.W. Act) claiming refund of the amount illegally deducted amounting to Rs. 1283.00 and ten times compensation thereof amounting to Rs. 12830.00. This case has been transferred to this Tribunal purporting to be under Section 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. High Court of Allahabad has held that the jurisdiction of the Prescribed Authority under the P.W. Act is not ousted by the provisions of 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 and obligation created under the P.W. Act can be had before the Authority under that Act and such type of case under

(12)

Section 15 of 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 have no jurisdiction to decide the same.

Let the file of P.W. Case No. 271 of 1981 be transmitted to the court of the Authority under the Payment of Wages Act for Saharanpur Area at Saharanpur.

VICE CHAIRMAN

MEMBER (A)

July 24, 1987.

R.Pr./

Attested

Mahamudrazvi
31/7/87

महमूद सिंह
अनुम. ग. अधिकारी
केन्द्रिय प्रशासनिक अधिकरण
अतिरिक्त न्यायाधीश, इल. हाबाद
Mahamud Singh
Secretary
Central Administrative Tribunal
Regional Bench, Allahabad