

CENTRAL ADMINISTRATIVE TRIBUNAL,

ALLAHABAD.

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Registration T.A.No. 491 of 1987  
(P.W.Case No. 1818 of 1981)

Jai Prakash Sharma . . vs. . D.P.O., Northern Railway, New Delhi

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

Hon. Shri Ajay Johri, Member(A).

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

Jai Prakash Sharma filed this application before the City Magistrate and Authority appointed 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 Rs. 699.00 as unlawful deductions plus Rs. 6990.00 as compensation. This application has been transferred to this Tribunal 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 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 24.4.1987) this Bench has held that the enforcement of right and obligation created under the P.W. Act can be had before the 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 to this Tribunal and we have no jurisdiction to decide the same.



The file of P.W. Case No. 181 of 1981 be retransmitted to the court of City Magistrate and Authority appointed under the Payment of Wages Act for Saharanpur Area at Saharanpur

VICE CHAIRMAN .

MEMBER (A)

July 24, 1987.  
R.Pr./

Attested

Maharudra Singh  
31/7/87

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महारुद्र सिंह  
अनुमग अधिकारी  
केन्द्रिय प्रशासनिक अधिकरण  
आंतरिक न्य. यपाठ, इलाहाबाद  
Maharudra Singh  
Section Officer  
Central Administrative Tribunal  
Additional Bench, Allahabad