

CENTRAL ADMINISTRATIVE TRIBUNAL,

ALLAHABAD.

* * * * *

REGISTRATION T.A.NO. 492 of 1987
(P.W.Case No. 200 of 1983)

Jai Prakash Sharma . .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.)

Jai Prakash Sharma filed this application before the City Magistrate and Authority under the Payment of Wages Act, Saharanpur, under Section 15 of the Payment of Wages Act, 1936 (hereinafter referred to as the P.W.Act) claiming refund of Rs. 1650.00 in respect of unlawful deduction plus Rs. 16500.00 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(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 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. 200 of 1983 be retransmitted to the court of City Magistrate and Authority under the Payment of Wages Act for Saharanpur Area, Saharanpur.

VICE CHAIRMAN

MEMBER(A)

July 24, 1987

R.Pr./

Attested

Maharudra Singh
31/7/87

मह रूद्र सिंह
अनुम. ग. अधिकारी
केन्द्राय प्रशासनिक अधिकरण
आंतराक्त न्य. यंत्र, इलाहाबाद
Maharudra Singh
Section Officer
Central Administrative Tribunal
Additional Bench, Allahabad