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Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL, ADDITIONAL BENCH

ALLAHABAD

DATED: THIS THE 7TH DAY OF FEBRUARY, 1997

CORAM : Hon'ble Mr. S. Das Gupta AM
Hon'ble Mr. T. L. Verma JM

ORIGINAL APPLICATION NO 667/89
.....

Union of India through D. R. M.,
Central Railway, ~~Jhansi~~ Jhansi.

-----Applicants

C/A Sri G. P. Agrawal

Versus

1. Sri Devi Dayal Mishra s/o Narain Das
r/o 381 Azadgun, Sipri Bazar,
Jhansi.

----- Respondents

C/R Sri

ORDER (oral)

By Hon'ble Mr. S. Das Gupta AM

This application has been filed by
Union of India challenging the order dated 10.3.87
by which the authority under the payment of wages
Act awarded a sum of Rs. 4229.30 together with 10 times
that amount as compensation, etc.

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2. It is clear from the facts disclosed that the applicant had approached this Tribunal without filing an appeal before the District Judge against the impugned order of the Prescribed authority.

3. The Hon'ble Supreme court has held in the case of K. P. Gupta V/s Controller of Printing and Stationery that the appellate jurisdiction of the District Judge under section 17 of the payment of wages Act has not been ousted by any provision of the Administrative Tribunals Act. It is, therefore, clear that the applicant had ~~the~~ statutory remedy available, which they did not exhaust before filing this O. A.

4. In view of this, the present O. A. is not maintainable and it is accordingly dismissed. Nothing in this order, however, shall preclude the applicants from filing an appeal, if so advised before the appropriate Forum.

J. M. Sharma
Member (J)

W. S. S.
Member (A)

SOI