

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH, ALLAHABAD.

OPEN COURT

This the day of 9th April, 1997.

ORIGINAL APPLICATION NO. 622 OF 1990.

CORAM : Hon'ble Mr. T.L. Verma, Member-J  
Hon'ble Mr. S. Dayal, Member-A

1. Union of India through the General Manager,  
N.E. Railway, Gorakhpur.
2. Chief Mechanical Engineer, N.E. Railway,  
Izatnagar.
3. Divisional Railway Manager, N.E. Railway,  
Izatnagar.
4. Divisional Mechanical Engineer (Loco)  
N.E. Railway, Izatnagar.

..... Applicants.

(By Advocate Shri Lal Ji Sinha )

Versus

1. Smt. Prem Sakhi Kapoor,  
widow, R/o 352, Subzi Mandi,  
Sadar Bazar, District-Mathura.
2. Sunil Kapper, (Major son),  
R/o 352, Subzi Mandi, Sadar Bazar,  
District-Mathura.
3. Prescribed Authority (City Magisterate)  
Mathura.
4. Illrd Additional District Judge, Mathura.

..... Respondents.

(By Advocate Shri R.N. Saxena)

ORDER (ORAL)


By Hon'ble Mr. T.L. Verma, Member-J

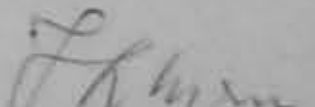
.....2

1. This application has been filed for quashing the judgement and order dated 28.11.1989 passed by III Additional District Judge, Mathura, in C.A. no. 56 of 1989.

2. The respondent no. 1 had filed a case before prescribed Authority under payment of wages Act claiming a sum of Rs 54000/- being the amount alleged to have been illegally withheld by the Railway Administration. The application was allowed. The appeal filed against the order of the Prescribed Authority has been dismissed by the IIIrd Additional District Judge Mathura by order dated 28.11.1989. This application has been filed for quashing the orders passed by the III Additional District Judge, Mathura, and the Prescribed Authority.

3. The Hon'ble Supreme Court in the decision reported in SLR 1997 (1) 333 Union of India Versus Punnai Lal and others has held that the prescribed Authority and the District Judge not being subordinate to the Administrative Tribunal. O.A. against <sup>their</sup> ~~lack~~ orders is not maintainable. In that view of the matter, this application is not maintainable and the same is accordingly dismissed. It will, however, be open to the applicant to move the Appropriate Forum for seeking their remedy. There will be no order as to costs.

  
MEMBER (A)

  
MEMBER (J)

an/