

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH
ALLAHABAD

Dated : Allahabad this the 30th day of October, 1996.

CORAM : Hon'ble Mr. S. Das Gupta, Member (A)
Hon'ble Mr. T. L. Verma, Member (J)

Original Application No. 1068 of 1990

Union of India through Divisioner 1
Personnel Officer, Northern Railway,
Allahabad. applicant.

(THROUGH COUNSEL SRI G.P. AGARWAL)

Versus

1. Ram Kishore Tewari s/o. Sheo Nandan Tewari
C/o. Bhartiya Mazdoor Sangh, U.P.
2, Naveen Market, Kanpur.
 2. Prescribed Authority, Under P.W. Act, Kanpur.
 3. IX Addl. District Judge, Kanpur.
- Respondents.

(THROUGH COUNSEL SRI B.N. SINGH)

O R D E R (Oral)

(By Hon. Mr. S. Das Gupta, AM)

The respondent No. 1 in this application had filed a case before the Authority under the Payment of Wages Act, 1936. The order passed by that authority was appealed against by the present applicant and the Appellate Court remanded the matter to the Payment of Wages Authority for re-consideration. Thereafter the Payment of Wages Authority has passed an order dated

14.11.1990 by which the respondent No.1 ~~had~~ awarded Rs. 4,796.08 as arrears of salary and four times ~~of~~ that amount as compensation. The applicant has challenged this order as well as the earlier order of remand by the District Judge.

2. We have noticed that the present order dated 14.11.1990 has not been challenged by the applicant by filing ^{an} ~~the~~ appeal. This order is appealable under Section 17 of the Payment of Wages Act, 1936. In the recent decision of Hon'ble Supreme Court in the case of K. P. Gupta, Hon'ble Supreme Court has held that the appellate jurisdiction of the District Judge under Section 17 of the Act is not ousted by any of the provisions contained in the Administrative Tribunals Act, 1985. The applicant, therefore, has a statutory right of an appeal before the District Judge, which has not yet been exhausted. So far as the remand order by the District Judge is concerned, that has already ~~been~~ taken effect and pursuant to which the fresh order has been passed by the Authority under the Payment of Wages Act.

3. In view of the foregoing we are of the view that the present application is not maintainable and the same is dismissed accordingly. Nothing in this order shall preclude the applicant from filing ^{an} ~~the~~ appeal before the appropriate forum, if so advised.


MEMBER (J)

(Pandey)


MEMBER (A)