

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,
ALLAHABAD.

DATED: THIS THE 12th DAY OF APRIL 1999.

Coram:- Hon'ble Mr.S. Dayal, A.M.

Hon'ble Mr.S.L. Jain, J.M.

Original Application No. 1428 of 1992.

The Union of India
through:

1. The Divisional Railway Manager, Allahabad,
Division, Northern Railway, Allahabad and
2. The Divisional Personnel Officer, Allahabad Division,
Northern Railway, Allahabad.

. . .Petitioner.

Counsel for the Petitioner:- Sri J. Nagar, Adv.

Versus

1. Sri Kunj Behari adult, son of Barsati, Gangman,
under the permanent Way inspector Manauri, Distt.
Allahabad.
2. The Authority under the payment of Wages Act,
Allahabad.
3. The First Additional District Judge,
Allahabad.

. . . Respondents.

Order

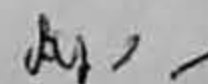
(By Hon'ble Mr.S. Dayal, Member(A.))

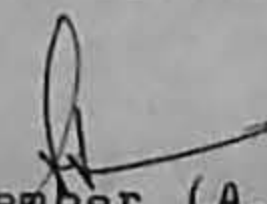
This application has been filed by the applicants seeking modification of the impugned order dated 30.3.91 by Appellate Authority under the Payment of Wages Act in which a sum of Rs.61,500/- has been awarded to the respondents as unpaid wages. The

applicants seek remand of the case back to respondent No.2 which is the authority under payment of Wages Act at Allahabad. Prayer has also been made for refund of a sum of Rs. 1,85,590/- which was deposited by the applicant in this O.A with respondent No.2.

2. The Apex Court in K.P.Gupta Vs. Controller of Printing Stationery (1996) 1 U.P.L.B.E.C. 174 has laid down that jurisdiction of authorities under section 15 and 17 under Payment of Wages Act has not been taken away by section 28 of Administrative Tribunals Act. In a subsequent Special Leave Petition (Civil) No. 20141/95 between Divisional Personnel Officer Versus Central Industrial Tribunal Jaipur and others dated 6.11.95 the Apex Court has referred to K.P.Gupta's case and has laid down that Central Administrative Tribunal has no jurisdiction to entertain an application under section 19 of the Central Administrative Tribunals Act against ~~awarded~~ ^{order of} Labour courts and Industrial Tribunals. Payment of Wages Act is a beneficent labour legislation and ~~awarded~~ ^{under Payment of Wages Act} of the authority would fall in the category of the cases over which Central Administrative Tribunal has no jurisdiction. This case is therefore dismissed as this Tribunal lacks jurisdiction.

The applicants may seek relief elsewhere if so advised.


Member (J.)


Member (A.)

Nafees.