

7

A2
1

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No. 1444 of 1992

Allahabad this the 09th day of May, 1997

Hon'ble Dr. R.K. Saxena, Judicial Member
Hon'ble Mr. D.S. Baweja, Admn. Member

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

Applicant

By Advocate Sri G.P. Agrawal

Versus

1. Sri Bhaiya Lal S/o Halkey B/o Talliya, Nainagarh
Nagra, Jhansi.
2. Prescribed Authority under the Payment of Wages
Act, (DLC) at Jhansi.

Respondents

By Advocate Sri O.P. Gupta

O R D E R (Oral)

By Hon'ble Dr. R.K. Saxena, Judicial Member

This O.A. has been preferred challenging the award given by the respondent no.2 on 03.6.1992 under Payment of Wages Act.

2. The facts as are disclosed in the O.A. as well as in the award, are that the respondent no.1 was working in the Central Railway. His salary amounting to Rs. 80,000-00 was illegally deducted for the period from 16.9.82 to 31.2.89. He, therefore, espoused a case before the respondent no.2. On the consideration of all the facts, the respondent no.2

came to the conclusion that deduction of salary to the tune of Rs.67,057-50 was ^{illegally} done by the present applicant and, therefore, the said amount was directed to be paid to the respondent no.1. Besides, an equal amount was directed to be paid as compensation and Rs.50/- as cost of litigation. Feeling aggrieved by the impugned order, this O.A. has been preferred.

3. The respondent no.1 has challenged the O.A. on the ground that this Tribunal has got no jurisdiction.

4. This case is fixed for disposal today but the counsel for the applicant is not present while Sri O.P. Gupta, counsel for the respondent no.1 is present. We, however, decided ^{the} the case because it is based on the well established legal position.

5. It is clear from the facts that the respondent no. 2 being Prescribed Authority under the Payment of Wages Act, had given this award and such an award was appealable under Section 17 of the Act. The applicant did not prefer any appeal and directly approached ^{the} the Tribunal. This approach has been considered by their Lordships of Supreme Court and found illegal. In the case 'K.P. Gupta Vs. Controller, Printing and Stationery etc. A.I.R. 1996 S.C. 408', it was held that



:: 3 ::

that the appellate jurisdiction of the forum prescribed under Section 17 of the Act, has not been taken away of any of the provisions of the Administrative Tribunals Act. In view of this fact, the O.A. no more remains maintainable and it stands dismissed. The applicant, if so advised, may approach the proper forum even now. The stay order which was passed on 08.10.1992, stands vacated.

Member

Member (J)

/M.M./