

(7)

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL, ADDL. BENCH
ALLAHABAD

DATED THE 23rd DAY OF MAY 1997

CORAM : Hon'ble Mr. T.D.Verma, J.M.
Hon'ble Mr. D.S.Baweja, A.M.

ORIGINAL APPLICATION NO.1618 OF 1992

1. Commandant, Sub Area,
Cantonment, Dehradun.
2. Manager, Military Dairy Farm,
Cheerh Bag, district Dehradun.
3. Union of India through Chief Secretary,
Secretariat Building, Parliament Street,
New Delhi.

Versus

1. Smt. Parwati Devi W/o Shri Haridev
Upadhyay.
2. Sri Girdhari Upadhyaya S/o Shri Haridev Upadhyay
3. Km. Anita daughter of Shri Haridev
Upadhyay.

All residents of village Nagnath, Post Office,
Ghanghora, district Dehradun.

4. Commissioner, Workmen's Compensation,
& Additional District Magistrate
(Prakashan) Dehradun.

... Respondents

HL

(8)

ORDER

BY HON'BLE T.L. VERMA, J.M.-

This application has been filed for quashing award dated 24.8.1992 passed by the prescribed Authority under Workmen Compensation Act.

2. Respondent no.1 had filed Compensation Case No.3/88 before the prescribed Authority under Workmens Compensation Act Dehradun. The aforesaid case was filed for compensation of injuries alleged to have been sustained by the petitioner in the course of dut . The application was allowed and the Prescribed Authority under the Workmen Compensation Act awarded a sum of Rs.84,120/- as compensation along with interest @ 6% per annum with effect from 1.6.1980. In this application the aforesaid award is under challenge.

3. Section 30 of th Workmen Compensation Act provides for an appeal against th award of the authority under Workmen Compensation Act before the High Court. The constitution Bench of this Hon'ble Supreme Court, in a recent decision L.Chandra Kumar v. Union of India and others J.T. 1997(3) S.C. 589 has held that section 28 of the Administrative Tribunals' to the extent it bars the jurisdiction of the High Court is ultra-vires of the constitution. In view of that and having regard to the fact that there is provision for filing appeal against award of Prescribed Authority, this Tribunal has no jurisdiction to entertain this application.

4. In view of the above this application is dismissed as not maintainable. The applicants are, however, free to seek their remedy before the appropriate court accordingly. There will be no order as to cost. Interim stay, if any, shall stand vacated.

Sharma
MEMBER (A)

Sharma
MEMBER (J)