

(A2/1)

OPEN COURT

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
ADDITIONAL BENCH AT ALLAHABAD

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Allahabad : Dated this 6th day of November, 1996
Original Application No. 1844 of 1992
District : Jhansi

CORAM :-

Hon'ble Mr. S. Das Gupta, A.M.

Hon'ble Mr. T.L. Verma, J.M.

Union of India through
Divisional Railway Manager,
Central Railway, Jhansi.
(By Sri G.P. Agarwal, Advocate)

. Applicant

Versus

1. Laxman S/o Sri Ram Das
Resident of Mewatipura, Unnao Gate,
Jhansi.
2. Prescribed Authority under Payment of
Wages Act, Jhansi.

(By Sri M.S. Piparsenia, Advocate)

. Respondents

ORDER (Oral)

By Hon'ble Mr. S Das Gupta, A.M.

This application was filed by the Union of India through the Divisional Railway Manager, Central Railway, Jhansi, challenging the award 7-9-1992 by which the Respondent No.1 was granted 29,400/- together with compensation Rs.1,17,600/- and Rs.50/- cost, by the Respondent No.2 i.e. the Authority under the Payment of Wages Act. The respondent no.1 had filed a Counter Affidavit to the application in which a preliminary objection has been ^{taken} made to the maintainability of the application on the grounds that the applicant did not

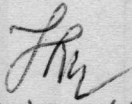
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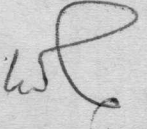
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file an appeal before the District Judge before filing this OA.

2. In a recent case of KP Gupta the Hon'ble Supreme Court had taken a view that the ^{appellate} ~~jurisdiction~~ jurisdiction of the District Judge under section 17 ^{of the Payment of Wages Act} is not ousted by the provisions contained in the Administrative Tribunals Act. It is, therefore, clear that the applicant had a statutory remedy available to him by way of filing an appeal before the District Judge, which remedy they have not yet exhausted.

3. In view of this, the application is dismissed. Nothing in this order shall, however, preclude the applicant from filing, if so, advised to ^{file an} appeal before the appropriate forum under the Payment of Wages Act.


Member (J)


Member (A)

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