

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

ALLAHABAD

DATED: THIS THE 10TH OF OCTOBER 1996

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

CORAM : Hon'ble Mr. T. L. Verma J.M.

ORIGINAL APPLICATION NO.249/92

Union of India through

Divisional Railway Manager,

Central Railway, Jhansi - - - - - Applicant

C/A Sri G. P. Agrawal

VERSUS

Ram Das Sharma S/O Late Sri Har Prasad, Sharma,
Resident of House No. 805, Gwaltoli,
Civil Lines, Sipri Bazar, Jhansi.

2. Prescribed authority under payment

of Wages Act (D. L. C.) Area

J H A N S I. - - - - - Respondents

C/R Sri H.P.Chakravarti.

ORDER (ORAL)

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

This application was filed challenging the award dated 2.12.1991 by which the authority under the payment of wages Act had awarded a sum of Rs.17,792/- as compensation in addition to a sum of Rs.4,448/- as arrears of wages.

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2. As the application cannot be decided on short point of maintainability, we ~~do not give~~ ^{need} details of the case. We have noticed that this application has been filed without filing an appeal before the District Judge. In a recent case of Sri K. P. Gupta versus ~~Contractor of~~ ^{Contractor of} ~~Planting & Station~~ ^{Planting & Station} the Hon'ble Supreme Court has decided that the appellate jurisdiction of the District Judge has not been ousted by any of the provisions contained in the Administrative Tribunals Act, 1985. It is, therefore, clear that the applicant has not exhausted the statutory remedy available to them before approaching this Tribunal. In view of this the application cannot be admitted in terms of section 20 of the Administrative Tribunals Act, 1985. Application is accordingly dismissed, leaving the parties to bear their own costs.

3. Nothing in this order shall, however, preclude the applicant from filing, if so advised to appeal before the appropriate forum.

J.M.

W.R.
A.M. I

SOI