

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,
A_L_L_A_H_A_B_A_D

Dated : Allahabad this the 4th day of Oct. 1996.

Coram : Hon'ble Mr. T. L. Verma, Member-J
Hon'ble Mr. D. S. Bawa, Member -A

O.A.No. 831 of 1992.

Union of India through General Manager,
Northern Railway, Baroda House, New Delhi
and D.P.O. DRM Office, N.Railway, Allahabad.

.....Applicant.

(THROUGH SHRI G.P. Agarwal)

Versus

1. Achambe Lal s/o late Balwant Singh,
Ex. Head Trolleyman Under P.W.I. N. Railway,
Mainpuri, present address r/o. village
Nagala Dharan, Post Office Bharoi, Distt. Mainpuri
C/o. R.S. Misra, 205/4, K. Kasari Masari, PO GTB
Nagar, District Allahabad
2. Prescribed Authority under the Payment of
Wages Act (DLC) at Allahabad.

....Respondents

(THROUGH SHRI ANAND KUMAR)

O_R_D_E_R (oral)

(By Hon. Mr. T. L. Verma, Member-J)

This application has been filed for
setting aside award dated 30.3.1992 passed in
P.W. Case No. 5 of 1991 by the Prescribed Authority

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under the Payment of Wages Act. The Hon'ble Supreme Court in a recent decision in K. P. Gupta Vs. Controller, Printing & Stationery, reported in J.T. 1995 (7) S.C. Page 522 has held that jurisdiction of District Judge under Section 17 of the Payment of Wages Act has not been excluded by Section 28 of the Administrative Tribunals Act, 1985. In that view of the matter, this Tribunal has no jurisdiction to entertain the application under Section 19 against an award given by Payment of Wages Authority without remedy available under Section 17 of the Payment of Wages Act, having been exhausted. In that view of the matter, this application is not maintainable and the same is dismissed accordingly.

2. The applicant, may, if advised, file an appeal before the appropriate forum. There will be no orders as to cost.

Dilawar
AM

JM
JM

Dt/- Allahabad Oct. 4, 1996

(pandey)