

OPEN COURT

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
ADDITIONAL BENCH AT ALLAHABAD

* * *

Allahabad : Dated this 18th day of September, 1996

Original Application No.883 of 1992

District : Allahabad

CORAM:-

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

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

Northern Railway, Baroda House,
New Delhi, D.R.M., N.R. Allahabad,
D.P.O., N.R. Alld & IC Switchman N.R.
Allahabad.

(By Sri G.P. Agarwal, Advocate)

. Applicant

Versus

1. Sri Ram Bali Singh
S/o Sri Kailash Singh
Switchman, Northern Railway, Kanpur.
2. Prescribed Authority under the
Payment of Wages Act at Kanpur.

(Sri Ajay Rajendra, Advocate)

. Respondent

ORDER (O_r_a_l)

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

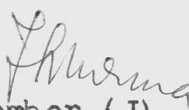
This application was filed under Section 19 of the ~~Central~~ Administrative Tribunals Act, 1985 challenging the award dated 30-5-1992 passed by the Prescribed Authority under the Payment of Wages Act.

2. The facts stated in the application disclose that the said application has been filed without first filing the Appeal before the District Judge. The Hon'ble Supreme Court has since decided in the case



of .P.K Gupta that the appellate jurisdiction of the District Judge in Section 17 of the Payment of Wages Act is not ousted by any provisions of the Administrative Tribunals Act. It is, therefore, clear that the applicant has approached this Tribunal without exhausting the statutory remedy available to them. The application is, therefore, not maintainable, and is dismissed accordingly. However, the applicant may, if so advised, file an appeal before the appropriate forum.

3. The parties shall bear their own costs.


Member (J)


Member (A)

Dube/