

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL. ADDL. BENCH

ALLAHABAD

DATED: THE 7 th DAY OF APRIL 1997

CORAM: Hon'ble Mr. T.L.Verma, J.M.
Hon'ble Mr. S.Dayal, A.M.

ORIGINAL APPLICATION NO.890 OF 1992

1. The Union of India thro gh General Manager,
Central Railway, Bombay V.T.
2. The Divisional Railway Manager,
Central Railway, Jhansi.
3. The Senior Divisional personnel Officer,
Central Railway, Jhansi.

..... petitioners

C/A Shri A.K.Gaur.

Versus

1. Murad Khan son of Shri Kasim Khan,
resident of House No.51, Chamanganj, Sipri Bazar,
District Jhansi.
2. Kunwar Singh son o Shri phool Singh,
resident of House No.1/29, Pratap Pura,
Kagra, District Jhansi.
3. Mitthoo Lal son of Shri Pooran Singh, resident of
House No.18/1, pulia No.9, District Jhansi.
4. Ghanshyam son o Shri Nathoo, resident of
House No.99, Outside Datia Gate, District Jhansi.
5. Ahmed Bux son of Shri Sabir Bux, resident of
Ho se No.46, Jeewanpura, District Jhansi.
6. Mohd.Ishaq S/o Shri Subrati, R/o House No.296, Mohalla
Mukeryana, District Jhansi.
7. Suraj Prasad son of Shri Ghessu, resident of House
No.31, Premnagar, Gudripura, District Jhansi.

8. The prescribed Authority under the payment of Wages Act/Deputy Labour Commissioner, Jhansi Region, Jhansi.

.... Respondents


C/R Shri Rakesh Verma.

ORDER

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

This application has been filed for setting aside the order dated 23.3.1992 passed by the Prescribed Authority under Payment of Wages Act. The Hon'ble Supreme Court, in the case of K.P. Gupta, has held that the jurisdiction of the District Judge entertains an appeal against the award of Prescribed Authority has not been ousted by any of the provisions of the Administrative Tribunal's Act. The averments made in the application and counter affidavit make it absolutely clear that this application has been filed without filing any appeal under section 17 of the Payment of Wages Act before the District Judge. This application thus has been filed without *exhausting the alternative remedy* prescribed under the Act. This application is, therefore, not maintainable.

2. In the result, this application is dismissed as not maintainable. It will be, however, open to the applicants to file ~~an~~ appeal before the appropriate authority. There will be no order as to costs.


MEMBER (A)


MEMBER (J)

Gcs