

OPEN COURT
CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH
AT ALLAHABAD

Allahabad : Dated this 08th day of March, 1999
Original Application No. 1258 of 1992

COURT:

Hon'ble Mr. Justice N.S. Reddy, V.C.

Hon'ble Mr. G. Ramakrishnan, A.M.

1. Union of India, through General Manager, Northern Railway, Baroda House, New Delhi.
2. Chief Engineer (Constructions), Northern Railway, Kashmiri Gate, New Delhi.
3. Senior Civil Engineer (Constructions II), Northern Railway, Divisional Railway Manager Office, Allahabad.
4. Permanent Way Inspector (Constructions), Northern Railway, Faizabad.
5. Moti Ram, Permanent Way Inspector (Constructions). Presently working as Senior Civil Engineer (Constructions), Northern Railway, Allahabad.

(Sri Prashant Mathur, Advocate)

..... Applicants

Versus

1. Special Judge, Civil Court Compound, Faizabad.
2. Prescribed Authority, Under Payment of Wages Act, Faizabad.
3. Ram Bhawan S/o Sri Daya Ram, R/o Vill-Gundhaua, Pargana-Pachhimrath, Tehsil-Bekapur, Dist-Faizabad, presently working under Loco Foreman, Northern Railway, Faizabad under Divisional Railway Manager, Lucknow.

(Sri.....)

.... Respondents

ORDER (Oral)

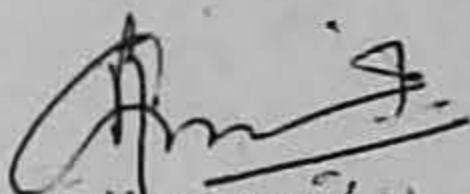
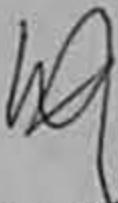
By Hon'ble Mr. Justice N.S. Reddy, V.C.

Sri Prashant Mathur appeard for the Union of India and wants to withdraw this OA in view of the judgement of K.P. Gupta Vs. Controller, Printing and Stationery reported in (1996) 32 ATC 211 with liberty to file

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a fresh application at the appropriate forum because the matters arising out of the order of the Authority under Payment of Wages Act are not cognizable by this Tribunal.

2. In view of the foregoing, the present application is not maintainable before this Tribunal and the same is disposed of accordingly with liberty to file the application at the appropriate forum to seek remedy as per law.


Member (A)
Vice Chairman

Dube/

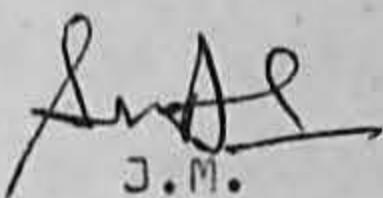
02.7.99

Hon'ble Mr.S.Dayal, A.M.

Hon'ble Mr.S.K. Agarwal, J.M.

Sri Prashant Mathur learned counsel for
the applicant in the Misc. Application has sought
adjournment. Allowed.

List this case for orders on 18.8.99.



J.M.



A.M.

Naf ees.

18*99

18-8-99

Hon'ble Mr. S. Dayal, A.M.

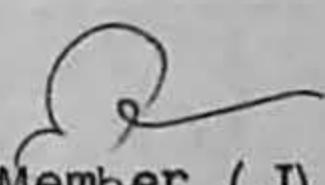
Hon'ble Mr. S.K.I. Naqvi, J.M.

Sri Prashant Mathur, counsel for the applicant.

Learned counsel for the applicant has moved MA No. 2566/99
praying for recall of the order dated 8-3-1999 passed
in OA No. 1258/1992 and has sought stay on the impugned
order dated 5-1-1989.

2. We find that the order has been passed on
8-3-1999 holding that the application is not maintainable
before this Tribunal because the matters arising out of
the order of the Authority under the Payment of Wages Act
are not cognizable by this Tribunal. We have, therefore,
become ^{officio} functus and cannot pass the order of recall.

3. Learned counsel for the applicant seeks
permission to file another OA seeking relief against the
order of the Civil Court only. This permission is already
inherent in para 2 of the order dated 8-3-1999, because
once the portion relation to payment of wages Act is taken
out the OA shall become maintainable in the Tribunal.



Member (J)



Member (A)

Dube/