

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD

Original Application No. 1301/92

Date of Decision 12-11-99

Union of India Applicant(s)

Shri G.P. Agrawal, Advt. Counsel for the Applicant(s)


VERSUS

Sri Uma Shanker Awasti &
another Respondent (s)

Shri O.P. Gupta, Advocate Counsel for the respondent(s)

CORAM : Hon'ble Mr. S. Dayal, Member (A)
Hon'ble Mr. Rafiq Uddin, Member (J)

1. Whether reporters of local papers may be allowed to see the judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordship wish to see the fair copy of the judgement ?
4. Whether to be circulated to all Benches ?


(Signature)

satya/

RESERVED

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH, ALLAHABAD

Allahabad, this the 12th day of November, 1999.

ORIGINAL APPLICATION NO. 1301 OF 1992

CORAM : Hon'ble Mr.S.Dayal, Member(A)
Hon'ble Mr.Rafiq Uddin, Member(J)

Union of India through-
D.R.M. N.R.Allahabad, Senior Divisional
Personnel Officer, N.R.Allahabad, and
Sr.Divisional Commercial Supdt. N.R.Allahabad.

.....Applicant.

(By Shri G.P.Agrawal, Advocate)

Versus

1. Uma Shanker Awasti,
S/o. Shri Shiv Gopal Awasthi,
R/o. 331-A/3-G, Navbasta,
Hamirpur Road, Kanpur.
2. The Prescribed Authority under
Payment of Wages Act, Kanpur.

.....Respondents

(By Shri O.P.Gupta, Advocate)

O R D E R (Reserved)

(By Hon'ble Mr.S.Dayal, Member(A))

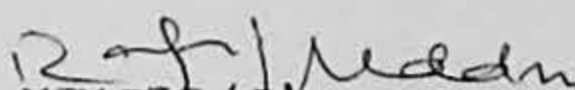
In this original application the applicant has
sought the setting aside of order dated 30-11-91
and 13-7-92.

- 2) The applicant filed an application in January,
1991 before the prescribed authority under the payment

of Wages Act, Kanpur claiming payment for work during rest hours from 24-7-1982 to 9-12-1984 at Danhaur Railway Station amounting to Rs.10,080/-. He also claimed over-time payment of Rs.28,220/- for 838 hours of work during 1982, 1168 hours of work during the year 1983 and 816 hours of work during 1984. He also sought ten times compensation. The prescribed authority vide order dated 13-7-1992 allowed an amount of Rs.38,300/- towards non-payment of wages due and Rs.76,600/- towards compensation.

3) Thus the relief claimed by the applicant falls under the payment of Wages Act.

4) It has been held in K.P.Gupta Vs. Controller of Printing & Stationary, JT 1995 (7) SC 522, that the jurisdiction of authorities under Section 15 & 17 of Payment of Wages Act has not been taken away by Section 28 of Administrative Tribunal Act. It has further been held in Divisional Personnel Office Vs. Central Industrial Tribunal, Jaipur & others dated 6-11-95 in Special Leave Petition (Civil) 20141 of 1995 that Central Administrative Tribunal have no jurisdiction to entertain an application under Section-9 of Administrative Tribunal Act an award/order of Labour Courts and Industrial Tribunals. The award of the prescribed authority under the Payment of Wages Act falls under this category, therefore, we have no jurisdiction in deciding this case and the case is dismissed as lying outside our jurisdiction.


MEMBER (J)


MEMBER (A)

/satya/