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CENTRAL ADMINISTRATIVE TRIBUNAL, ADDL. BENCH
ALLAHABAD.

Dated This The 29th January, 1997.

CORAM: Hon'ble Mr. R. K. Saxena, JM.
Hon'ble Mr D. S. Baweja, AM.

ORIGINAL APPLICATION NO. 1220 of 1993.

1. Union of Inida, Through the General
Manager, North Eastern Railway,
Gorakhpur.
2. Divisional Railway Manager,
North Eastern Railway,
Lucknow.
3. Senior Divisional Personnel Officer,
North Eastern Railway,
Lucknow.

.. Applicants.

(C/A Sri Lalji Sinha.)

Versus:

1. Radha Krishna Bajpai,
son of Sri Gokul Prasad Bajpai,
through Shri Ram Naresh Awasthi,
secretary; UTU C(U.P.Branch),
130 E, Barna-4,
Kanpur.
2. Prescribed Authority,
Under the payment of Wages Act,

Kanpur.

.. Respondents.

(C/Respondents Sri Sanjay Kumar.)

[Handwritten Signature]

ORDER (ORAL).

(By Hon'ble Dr. R.K.Saxena, JM.)

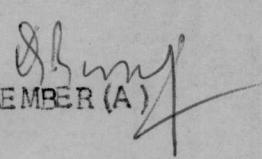
Applicants- Union of India, Divisional Railway Manager, North Eastern Railway, Lucknow, the senior Divisional Personnel Officer, North Eastern Railway, Lucknow have filed this O.A.No: 1624/93, challenging the award dated 28.6.1993 given by the respondent No2, in P.W.Case NO. 741 of 1990 * Radha Krishna Bajpai.Vs. Divisional Railway Manager."

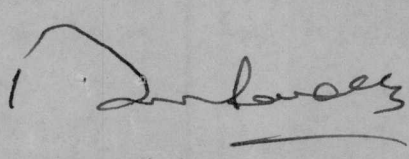
2. The facts giving rise to this case are that the respondent No1, had instituted P.W.Case No: 741 of 90 before the respondent No2—the Prescribed Authority under the Payment of Wages Act, The case of the respondent No1, was that the present applicants had deducted the salary illegally for the period from 1st January, 1979 to 31st December, 1990. The claim, therefore, was that the deduction of Rs1,00,000/- be allowed to be paid with compensation @ ten times. The respondent No.2, found that the amount of Rs67,000/- was deducted and allowed to be paid. The equal amount as compensation was ordered to be paid to him, and further amount of Rs100/- was directed to be paid as expenses of litigation.

3. Feeling aggrieved of this award, the present O.A. has been filed. The respondent No1, has filed Counter reply.

4. The main question for consideration in this case is ~~that~~ whether this tribunal can take cognizance of this O.A. when the applicants failed to seek remedy of an appeal under section 17 of the Payment of Wages Act.

Their lordships of the Supreme court in the case of " K.P.Gupta. Vs. Controller of Printing & Stationary AIR 1996 SC 408 held that the appellate powers prescribed under section 17 of the Payment of Wages Act, have not been taken away² by Section 28 of the Administrative Tribunals Act, 1985. It is, therefore, clear that the applicants should have approached the Appellate Authority^{so} prescribed before approaching¹ ~~the~~ ^{The Tribunal.} Thus the Tribunal cannot take the cognizance of this case. In other words, the O.A. is not maintainable. The applicants, if/so advised, may approach the Appellate authority even at this stage. The O.A. is, therefore, dismissed and the interim order which was passed on 21.9.1993, stands vacated.


MEMBER (A)


MEMBER (J).

rCS.