

CENTRAL ADMINISTRATIVE TRIBUNAL

ADDITIONAL BENCH AT ALIABAD.

Allahabad this the 23rd April 1997.

ORIGINAL APPLICATION NO. 176 OF 1993.

CORAM : Hon'ble Dr. R.K. Saxena, Member-J

Hon'ble Mr. D.S. Baweja, Member-A

Union of India through D.R.M

and Senior D.P.O Central Railway,

Jhansi.

..... Applicant.

(By Advocate Shri G.P. Agarwal)

Versus

1. Sri Anant Ram S/o Har Prasad Khalasi in
I.O.W.(E) Central Railway, Jhansi.

2. Prescribed Authority under the Payment
of Wages Act 1936 at Jhansi (D.L.C.).

..... Respondents.

(By Advocate Shri M.P. Gupta and S.K. Mishra)

O R D E R (ORAL)

By Hon'ble Dr. R.K. Saxena, Member-J

1. This petition has been filed challenging
the award dt. 28.8.1992 (Annexure-A-1) given by
respondent no. 2 in favour of the respondent no. 1
under Provisions of Payment of Wages Act, 1936.

2. Briefly stated the facts are that the
respondent no. 1 had approached the respondent no. 2
with a claim that the applicant had illegally
deducted an amount of Rs 31,022.25 paisa from the
salary for the period 1.12.1983 to 30.4.1987.

The grounds for this claim was that there was difference of two grades and the respondent no. 1 should have been given higher pay scale from 1.12.1983. The respondent no. 2 came to the conclusion that there was illegal deduction of pay of Rs 31,022.25 paisa, therefore, the said amount alongwith equal amount as compensation, was ordered to be paid to the respondent no. 1. Besides, additional amount of Rs 100/- was ordered to be paid as cost of the litigation. Feeling aggrieved by this award, the applicant has approached this Tribunal to seek the relief that the award be quashed.

3. The respondents have opposed the Original Application on several grounds including the maintainability and the jurisdiction of this Tribunal.

4. Shri G.P. Agarwal counsel for the applicant and Shri Shri S.K. Mishra counsel for the respondent no. 1 are present. We have heard them and also perused the record.

5. Section 17 of Payment of Wages Act provides for an appeal against award given by the Prescribed Authority. It further provides that the appeal shall lie before the District Judge. In the resent case of K.P. Gupta Versus Controller of Printing and Stationary A.I.R 1996 SC Page 408 the Hon'ble Supreme Court also ^{held} ~~raised~~ out that the appellate jurisdiction prescribed Under Section 17 of Payment of Wages Act, has not been taken away

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by Section 28 of Administrative Tribunal Act, 1985.
In view of these facts and legal positions, we come
to the conclusion that this Original Application
is not maintainable here and thus it stands dismissed.
If so advised, the applicant may move the proper forum
even now. The stay which was granted on 13.4.1993
stands vacated.


MEMBER (A)


MEMBER (J)

am/