

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH
ALLAHABAD.

Allahabad this the 2nd day of July 1997.

Original Application no. 1229 of 1993.

Hon'ble Dr. R.K. Saxena, Judicial Member

Hon'ble Mr. S. Dayal, Administrative Member

Union of India through C.W.M. Central Railway Workshop,
Jhansi.

... Applicant.

C/A Shri G.P. Agarwal

Versus

1. Sri Prabhu Dayal, S/o Sri Tulsi Ram, R/o Mohalla Kachhayana, Nagar, Jhansi.
2. The Prescribed Authority under the Payment of Wages Act, 1936 at Jhansi (D.L.C)

... Respondents.

C/R Sri S.K. Mishra
Sri M.P. Gupta

O R D E R (oral)

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

This OA which has been moved by two applicants challenging the award dated 29.06.93 given by the Prescribed Authority under Payment of Wages Act, 1936- respondent no. 2.

2. Briefly stated the facts of the case are that one Sri Prabhu Dayal-respondent no. 1 was working under the ~~respondent~~ ^{applicant}. He had the grievance that the present applicants had illegally deducted the amount of Rs. 49996.72 from the

salary for the period from 09.02.79 to 09.04.87. Similarly the grievance of nonpayment of bonus ~~from~~ the year 1982 to 1986 amounting Rs. 1100/- was there. He, therefore, espoused a P.W. case before the respondent no. 2 who had come to the conclusion that the said amount~~s~~ totaling of Rs. 51076.72 was not paid to the respondent no. 1. Therefore, the applicant were directed to make payment of the said amount of Rs. 51076-72 alongwith compensation of Rs. 2,55,383.60. The direction was also given that amount of Rs. 50/- be paid as legal expenses. Feeling aggrieved by this award, the present OA has been preferred.

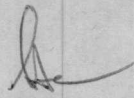
3. The respondent no. 1 has contested the case by filing CA in which the grounds taken by the applicants have been refuted. Besides, jurisdiction of this Tribunal has also been challenged.

4. Today Sri G.P. Agarwal learned counsel for the applicant is present but none appears for the respondents no. 1. We have heard Sri G.P. Agarwal and have perused the record.

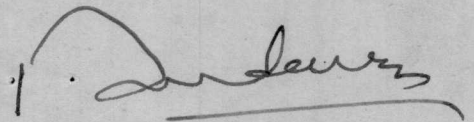
5. The main question for consideration in the case is whether this Tribunal has got jurisdiction to proceed with the case. This dispute has been set at rest by Hon. Supreme Court in the case of K.P. Gupta Vs Controller of Printing and Stationary, AIR 1996 SC 408 and it has been laid out that the Appellate Forum which has been prescribed under section 17 of the Payment of Wages Act, has not been done away with by section 28 of Administrative Tribunals Act, 1985. The conclusion, therefore, is that the applicants

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should have approached the Appellate Forum prescribed there-
under. It also ^{flows &} follows that this Tribunal has got
no jurisdiction. We accordingly hold that the present
OA is not maintainable here and it is dismissed. The
applicant, if so advised, may still approach the proper forum.
The stay which was granted on 20.08.1993 stands vacated.
No order as to costs.



Member-A



Member-J

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