

CENTRAL ADMINISTRATIVE TRIBUNAL,
ADDITIONAL BENCH
ALLAHABAD

ALLAHABAD THIS THE 28TH DAY OF JANUARY, 1997.

CORAM : Hon'ble Mr. S. Das Gupta, Member-A
Hon'ble Mr. T. L. Verma, Member-J

Original Application No. 1241 of 1993.

1. Union of India through the General Manager,
N.E.Railway, Gorakhpur.
2. Regional General Manager, N.E.Railway,
Sonpur, District Chhapra (Bihar)
3. Senior Divisional Engineer (I), N.E.Railway,
Sonpur, District Chhapra, District Gorakhpur (Bihar)
4. Divisional Personnel Officer, N.E.Railway, Sonpur
District Chhapra (Bihar)

....Applicants.

(THROUGH SRI V. K. Goel)

Versus

1. Sheo Das, Ex-I, O.W. Grade-III, N.E.Railway,
C/o. Prem Chandra Gupta, Advocate, Collectorate,
Basti, U.P.
2. Prescribed Authority /Deputy Labour Commissioner,
U. P. Gorakhpur

.....Respondents.

(BY ADVOCATE SHRI A.K.SRIVASTAVA)

O R D E R

(By Hon'ble Mr. S. Das Gupta, Member-A)

Through this application under Section 19 of
the Administrative Tribunals Act, 1985, the Union of

India and others have sought quashing of the judgement and order dated 20.5.1993 passed by the Prescribed Authority under the Payment of Wages Act. From the facts averred it appears that the respondent No.1 had instituted a claim petition before the Prescribed Authority under the Payment of Wages Act for wages for the period from 1.1.1984 to 6.6.1985. The applicants took the preliminary objection to the maintainability of the claim petition on the ground that it was barred by limitation and that the prescribed Authority, Gorakhpur did not have the territorial jurisdiction. It appears that both these points have been rejected by the impugned order dated 20.5.1993 which is under challenge before us.

2. The Hon'ble Supreme Court has recently decided in the case of K. P. Gupta Vs. Controller of Printing and Stationery, held that the jurisdiction of the District Judge under Section 17 of the Payment of Wages Act is not ousted by any provisions of the Administrative Tribunals Act, 1985. The applicant, therefore, had a statutory remedy available before them, which was to file an appeal before the District Judge. As this remedy has not been exhausted, this application is not maintainable before us.

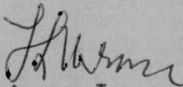
3. On this short point, this application is being dismissed. This however, will not preclude the applicants

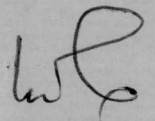
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for taking recourse ~~to~~ any remedy that may be
available to them under the law.


Member-J


Member-A

(pandey)