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R.P.I. 5/93

12/2/97

Hon. Dr. R. K. Saxena, Jr.,
Hon. Mr. D. S. Bawade, AM

None present for the parties.

On the last date also none was present
for the parties. Last opportunity given.
Fix on 07/01/97 for order / direction.

Dharmendra
AM.

DR
JM.

1.4.1997 Hon. Mr. T. L. Verma, JM
Hon. Mr. S. Dayal, AM

Shri Govind Saran for the applicant. None responded
for the respondents. For the reasons stated at present,
no order needs to be passed on this misc. application
for substitution of the respondents who stated to have
died during the pendency of this application.

This application has been filed for quashing
award passed by the Prescribed Authority under the Payment
of Wages Act. The Hon'ble Supreme Court in a recent
decision in the case of K. P. Gupta Vs. Controller of
Printing and Stationery has held that the jurisdiction
of the District Judge to entertain applications under
Section 17 of the Payment of Wages Act has not been
excluded by any provisions of the Administrative Tribunals
Act, 1985. This application has been filed without
exhausting the alternative remedy available to the
applicant, under the said Act. That being so, this
application is not maintainable in this Tribunal and the
same is accordingly dismissed.

contd. 1.4.97

It will however, be open to the applicant to file an appropriate application before the District Judge against the award of the Prescribed Authority under the Payment of Wages Act.


Member-A


Member-J

(pandey)