

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL, ADDL. BENCH

ALLAHABAD

DATED: THIS THE 20TH DAY OF FEBRUARY 1997

Hon'ble Mr. S. Das Gupta AM
CORAM : Hon'ble Mr. T. L. Verma JM
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ORIGINAL APPLICATION NO. 555/93

Union of India through
Divisional Railway Manager
Northern Railway, Allahabad.

- - - - - Applicant

C/A Sri Satish Chaturvedi

VERSUS

1. Om prakash Srivastava
s/o Ram Pyare Lal Srivastava,
Head Clerk Commercial Branch,
D.R.M Office, Northern Railway,
Allahabad.
2. payment of Wages Authority
and Assistant Labour Commissioner

- - - - - Respondents

C/R Sri Suneel Rai

ORDER (ORAL)

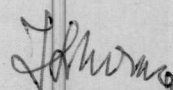
By Hon'ble Mr. S. Das Gupta AM

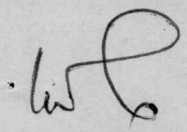
This application has been filed by
the Union Of India, challenging the order dated

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31.12.1992 by which the respondent no.2 i.e Authority under the payment of wages Act had awarded to the respondent no.1 a sum of Rs. 21,905/- as deducted wages and an equal amount as compensation together with cost.

2. The facts of the case need not be stated in detail. The Hon'ble Supreme court in the recent case of K. P. Gupta V/s Controller of Printing and Stationery has taken the view that the appellate jurisdiction of the District Judge under section 17 of the Payment of Wages Act 1936 is not ousted by any provision ~~of the Act~~ contained in Administrative Tribunals Act 1985. The applicant, therefore, had the statutory remedy available by way of filing an appeal before the District Judge. As they have not done so, they have not exhausted the statutory remedy available to them before filing this O.A... O.A. *and it is dismissed accordingly* is, therefore, not maintainable. Nothing in this order, however preclude the respondents to file an appeal, if so advised before the appropriate Forum.


Member (J)


Member (A)

SQI