CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD.
****

Allahabad this the   6th   day of   February 1997.

Original application No. 890 of 1993.

Hon'ble Mr. S. Das Gupta, AM
Hon'ble Mr. T.L. Verma, JM

Union of India through Divisional Railway
Manager, Central Railway, Jhansi.

.....Applicant.

C/A Sri G.P. Agarwal

Versus

1. Abdul Hamid, S/o Sri Kadir Baksh,
R/o 166, Rail Ganj, Puliya No. 9, Jhansi.

2. Chandrakant Shane, S/o Sri Keshawa Sahe,
R/o Shahne Compound Sipari Bazar, Jhansi.

3. Prabhudayal, S/o Sri Moti, R/o 126/3,
Khushipura, Jhansi.

4. Prabhudayal Sikaniya, S/o Sri Heera Lal,
R/o Outside Senyer Gate, Jhansi.

5. Prescribed Authority under the Payment of
Wages Act, 1936 (Deputy Labour Commissioner),
Jhansi.

6. Chief Judicial Magistrate, Jhansi.

.... Respondents.

C/R Sri R.K. Nigam

O R D E R (ORAL)

Hon'ble Mr. S. Das Gupta, AM

       This Original application has been filed by
Union of India challenging an order dated 16.4.92 by which
the authority under Payment of Wages Act has given an
award in favour of respondent No. 1,2,3 and 4 in P.W. Cases
No. 12/83 and 72/84.

2.   It is clear from the facts averred that the
applicant has approached this Tribunal directly without

filing an appeal before the District Judge. In the recent case of K.P. Gupta Vs. Comptroller Printing and Stationery, the Hon'ble Supreme Court has taken a 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 contained in the Administrative Tribunals Act 1985. It is therefore clear that the applicant had a statutory remedy available to him which he did not avail and approached this Tribunal directly.

3.   In view of the foregoing, the application is not maintainable and the applicants have not exhausted the statutory remedy available. The application is therefore dismissed. Nothing in this order howver shall preclude the applicants from filing an appeal before the appellate forum.

Member - J   Member - A

Arvind.