

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
 ALLAHABAD BENCH
 ALLAHABAD

.....

THIS THE 13th DAY OF December 1995

HON'BLE MR. R.K. SAXENA, JUDICIAL MEMBER
HON'BLE MR. D.S. BAWEJA, ADMN. MEMBER

Original Application No. 898 of 1993

The General Manager, Eastern Railway, 17, Netaji
 Subhash Road, Calcutta.

2. The Divisional Railway Manager, Eastern Railway,
 Mughalsarai, District Varanasi.

3. The Senior Divisional Personnel Officer, Eastern
 Railway, Mughalsarai, District Varanasi.

4. The Divisional Accounts Officer, Eastern Railway,
 Mughalsarai, District Varanasi.

Applicants

By Advocate : Sri Amit Sthalekar

Versus

Chandra Bhan Lal, S/o late Kamta Lal, working as
 Station Master, Eastern Railway, Mughalsarai,
 District Varanasi.

2. Ram Pratap Singh, S/o late Sita Ram, working as
 Station Master, Mughalsarai, Varanasi.

3. Prescribed Authority, Payment of Wages Act^m
 Varanasi.

Respondents

By Advocate :

D
2

2. Original Application No. 899 of 1993

The General Manager, Eastern Railway, 17, Netaji Subhash Road, Calcutta, Bengal.

2. The Divisional Railway Manager, Eastern Railway, Mughalsarai, Varanasi.

3. The Senior Divisional Personnel Officer, Eastern Railway, Mughalsarai, Varanasi.

4. The Divisional Accounts Officer, Eastern Railway, Mughalsarai, Varanasi.

Applicants

By Advocate : Sri Amit Sthalekar

Versus

Gopal Singh, S/o late Ram Rajan Singh at present posted at Station Master, Eastern Railway, Mughalsarai, Varanasi.

2. Shankar Kumar Verma, S/o late Mahadev Verma, at present posted as Adjudicator Station Master, Sasaram Eastern Railway, Mughalsarai, Varanasi.

3. Hemant Kumar Verma, S/o late Rooplal, at present posted as Station Master Mughalsarai, Varanasi.

4. Jagat Kumar S/o late Ganga Ram, at present posted as Station Master, Eastern Railway, Mughalsarai, Varanasi.

5. Ramakant Rai, S/o late Bhrigunath Rai, at present posted as Station Master, Eastern Railway, Mughalsarai, Varanasi.

6. Prescribed Authority, Payment of Wages Act, Varanasi
By Advocate :

3. Original Application No. 905 of 1993

The General Manager, Eastern Railway, 17, Netaji Subhash Road, Calcutta, Bengal.

2. The Divisional Railway Manager, Eastern Railway, Mughalsarai, Varanasi.

3. The Senior Divisional Personnel Officer, Eastern Railway, Mughalsarai, Varanasi.

4. The Divisional Accounts Officer, Eastern Railway, Mughalsarai, Varanasi.

Applicants

By Advocate : Sri Amit Sthalekar

Versus

Musafir Pandey, S/o late Sri Ram Chandra Pandey, working as Leave Reserve Station Master, Sayid Raja, Varanasi.

2. Triloki Sahu, S/o late Basudeo Sahu, posted as StationMaster, Eastern Railway, Chandauli, Varanasi.

3. Prescribed Authority, Payment of Wages Act, Varanasi.

Respondents

By Advocate :

4. Original Application No. 906 of 1993

The General Manager, Eastern Railway, 18, Netaji Subhash Road, Calcutta, Bengal.

2. The Divisional Railway Manager, Eastern Railway, Mughalsarai, Varanasi.

3. The Senior Divisional Personnel Officer, Eastern Railway, Mughalsarai, Varanasi.

4. The Divisional Accounts Officer, Eastern Railway,



Mughalsarai, Varanasi.

Applicants

By Advocate : Sri Amit Sthalekar

Versus

Rama Agya Rai

2. Prescribed Authority, Payment of Wages Act,
varanasi.

Respondents

By Advocate :

5. Original Application No. 907 of 1993

The General Manager, Eastern Railway, 17, Netaji Subhash
Road, Calcutta, Bengal. & others.

Applicants

By Advocate : Sri Amit Sthalekar

Versus

Sheo Narain Tiwari & others.

Respondents

By Advocate :

O R D E R

R.K. SAXENA, MEMBER(J)

All these applications require the disposal of common question of law and facts. We are, therefore, taking up together and are being disposed of by common judgment.

2. In order to understand the points involved in the cases, it is necessary to give the facts in brief.

All these five O.A.s have been filed challenging the

D
2

award dated 28.11.1992 of the prescribed authority under the Payment of Wages Act 1936. The applicants in these cases are: General Manager, Divisional Railway Manager, Senior Divisional Personnel Officer and Divisional Accounts Officer. The common respondent is in all the cases the Prescribed Authority but other respondents are Chandra Bhan Lal and Ram Pratap Singh in O.A. No. 898/93, Gopal Singh, Shankar Kumar Verma, Hemant Kumar Verma, Jagat Kumar & Ramakant Rai in O.A. No. 899/93, Musafir Pandey & Triloki Sahu in O.A. No. 905/93, Ram Agya Rai in O.A. No. 906/93 and Shiv Narain Tiwari & others in O.A. No. 907/93. All these respondents other than the Prescribed Authority were engaged as Assistant Station Master, Plateform with the applicants. It is contended that there were number of vacancies in the Mughalsarai yard for the posts of Assistant Station Master Cabin. Those posts required to be filled in from amongst the Assistant Station Masters Plateform. The option for being posted as Assistant Station Master Cabin was invited from all the Assistant Station Masters Plateform. It is averred that the respondents, Assistant Station Masters Plateform, did not opt for the posts of Assistant Station Master Cabin. The result was that the posts were filled in from amongst the junior Assistant Station Masters Plateform. It is also contended that the post of Assistant Station Master Cabin carried higher pay-scale. The respondents, Assistant Station Masters Plateform, therefore, approached the Prescribed Authority under Payment of Wages Act with the prayer that when their juniors were given higher scale, they ought to have also been given higher grade from the said date. Since it was not done, it shall be

deemed deduction of their salary. Therefore, the arrears of pay as well as compensation was claimed.

2. The present applicants contested the cases before the Prescribed Authority on the ground that it was not competent to compute the potential wages and thus, the claims of the respondents (Assistant Station Master Plateform) were not maintainable under section 15 of the Act. The Prescribed Authority over-ruled the contention of the applicants and proceeded with the matters. The statement of Mohd. Shamim who was examined on behalf of the applicants, was disbelieved and it was held that there was deduction of salary of the respondents. Accordingly, the arrears of salary and compensation as is given below, was awarded :

| Name of the respondents | Amount of <u>Salary</u> | Amount of <u>Compensation</u> |
|-------------------------|----------------------------|----------------------------------|
| <u>O.A. No. 898/93</u> | | |
| Chandra Bhan Lal | 11,620.82/- | 34,862.46/- |
| Ram Pratap Singh | 14,607.35/- | 43,322.05/- |
| <u>O.A. No. 899/93</u> | | |
| Gopal Singh | 13,203/- | 39,609/- |
| Shanker Kumar Verma | " | " |
| Hemant Kumar Verma | " | " |
| Jagat Kumar | " | " |
| Ramakant Rai | " | " |
| <u>O.A. No. 905/93</u> | | |
| Musafir Pandey | 18,947.52/- | 56,842.56/- |
| Triloki Sahu | 18,977.00/- | 56,931.30/- |

O.A. No. 906/93

Ram Agya Rai

24,014.95/-

72,044.15/-

O.A. No. 907/93

Shiv Narain Tiwari

16,492.20/-

49,356.60/-

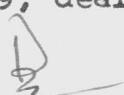
Challenging these awards, these O.A.s have been filed on behalf of all applicants.

3. The respondents (Assistant Station Masters Plate-form) filed Counter affidavits justifying the jurisdiction and the amount which was awarded to them. The Rejoinder affidavit reiterating the facts as mentioned in the O.A.s, were also filed by the applicants.

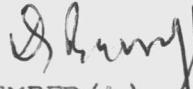
4. We have heard the learned counsel for the parties and have perused the record.

5. The main question in these O.A.s is, whether this Tribunal has got jurisdiction to entertain the petitions which were directed against the orders passed by the Prescribed Authority under section 15 of the Act. According to the scheme of the Act, an appeal against the order of the Prescribed Authority lies to the District Judge or to the District Court. In these cases, no such appeal was filed on the ground that the Jurisdiction of Civil Court under section 28 of Administrative Tribunals Act 1985 was taken away.

Their lordships of Hon'ble Supreme Court in Krishan Prasad Gupta Vs. Controller, Printing & Stationery, 1995 (6) SCALE 89, dealt with the matter and held



that Payment of Wages Act 1936 was corresponding law to Industrial Dispute Act and, therefore, the appellate jurisdiction of the Civil Court under section 17 of the Act was not taken-away by section 28 of the Administrative Tribunals Act 1985. Their lordships have set-asise the judgment and order dated 4.7.94 passed by the Administrative Tribunal, Chandigarh and direction was given that the appeal papers should be transmitted forthwith to District Judge, Chandigarh for disposal on merits. In view of this decision of their lordships of Hon. Supreme Court, this Tribunal lacks jurisdiction and the matter ought to have been agitated by filing an appeal in the District Court. We accordingly dispose of all these cases. No order as to cost.



MEMBER (A)



MEMBER (J)

ALLAHABAD: Dated :