

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,
A L L A H A B A D

Dated : Allahabad this the 26th day of August, 1996.

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

Original Application no. 949 of 1993.

Divisional Personnel Officer,
Western Railway, Jaipur.

....Applicant.

(THROUGH COUNSEL SHRI LALJI SINHA)

Versus

1. Shyam Behari Lal Saxena,
s/o. Shri Murari Lal Saxena,
R/o. 2/10, Pipal Mandi,
Agra.

2. Prescribed Authority,
under Payment of Wages Act,
Agra. Respondents.

(BY ADVOCATE SHRI RAKESH VERMA)

O R D E R (Oral)

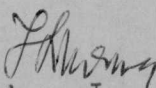
(By Hon'ble Mr. S. Das Gupta, Member-A)

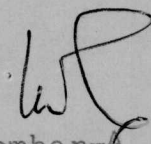
In this case, the order which has been challenged is an award given by the Prescribed Authority under the Payment of Wages Act, 1936. We have seen that the applicant has approached this Tribunal without filing an appeal against the award before the District Judge which is prescribed in Section 17 of the Payment of Wages Act. In the recent case of K. P. Gupta, Hon'ble Supreme Court has taken a view that the jurisdiction of the District Judge as Appellate Authority is not

12

ousted by the Administrative Tribunals Act, 1985. In view of this, it is clear that the applicant ^{who} has filed this O.A. before this Tribunal without first approaching the District Judge in his appellate jurisdiction, has not exhausted the statutory remedy available to ^{him}. The present application therefore, is not maintainable before us.

2. The application is accordingly dismissed as not maintainable. The applicant, if so advised, may file appropriate appeal before the District Judge.


Member-J.


Member-A.

(pandey)