

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL, ADDL. BENCH  
ALLAHABAD

DATED: THE 7th Day of May 1997

CORAM : Hon'ble Dr. R.K.Saxena, J.M.  
Hon'ble Mr. S.Dayal, A.M.

ORIGINAL APPLICATION NO.1104 OF 1993

1. Union of India through General Manager,  
Central Railway, Bombay VT.
2. Divisional Railway Manager, Central Railway,  
Jhansi.
3. Inspector of Works, Central Railway,  
Agra Cantt. Agra. ...

Applicants

C/A Shri Prashan Mathur.

Versus

1. Khunni Lal, S/o Shri Balwant, presently  
workin as Mali under Inspector of works  
Agra Cantt. Agra.
2. Prescribed Authority under the Payment of Wages  
Act, 1936 - 32 Garden Road, Agra, Agra.
3. Chief Judicial Magistrate, Agra.

... Respondents

C/R Shri Anupam Kulshreshta.

JUDGMENT

BY HON'BLE DR. R.K.SAXENA, J.M.-

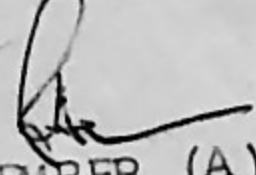
This Original Application has been preferred  
challenging the Award dated 27.5.1992 (Annexure-A1)  
passed by the Prescribed Authoirty under the Payment  
of Wages Act.

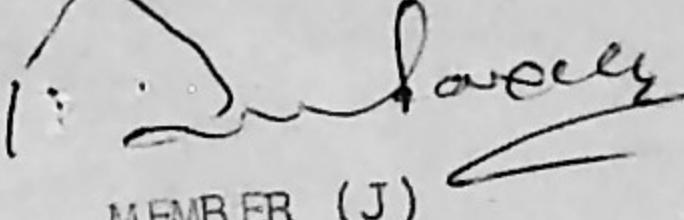
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Original Application is not maintainable before this  
Hon'ble Court. Therefore, it stands dismissed.

5. The applicants so advised may approach the  
proper Forum even now, ~~in terms of~~ <sup>of</sup> the orders which  
were passed on 26.6.1997 and 10.8.1993, stand vacated.

  
MEMBER (A)

  
MEMBER (J)

Gcs

2. The brief facts of the case are that the respondents no.1 Khunni Lal had espoused a case under Payment of Wages Act before the respondent no.2 on the ground that the present applicants had illegally deducted the salary for the period from 16.2.1985 to 13.3.1988. He, therefore, claimed an amount of Rs.56,014/- as the deducted amount of salary and also claimed compensation. The respondent no.2 upheld the contention of respondent no.1 about the illegal deduction of Rs.56,014/-. The said amount was allowed to be paid by the present applicants and an equal amount was also awarded as compensation. Thus the present applicants were required to make payment of Rs.1,12,028/-. Feeling aggrieved by this award, the present Original Application has been preferred. It was admitted and notices were issued to the respondents who have challenged the contention of the applicants by filing Counter affidavit. It has been urged that this Tribunal has got no jurisdiction.

3. We have heard Shri P.Mathur counsel for the applicants but none has appeared for the respondents. We have perused the record.

4. The dispute whether an aggrieved person by an order of the Prescribed Authority under payment of Wages Act could approach this Tribunal without exhausting the remedy of appeal provided under section 17 of the Act, has been decided by the Hon'ble Supreme Court in the case of K.P.Gupta v. Controller of Printing and Stationery A.I.R. 1996 SC 408. Their Lordships held that the jurisdiction of the appellate forum under section 17 of the Act was not taken away by any of the provisions of Administrative Tribunals Act 1985. In view of this legal position, we come to the conclusion that the present