

OPEN COURT

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD  
ADDITIONAL BENCH AT ALLAHABAD

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Allahabad : Dated this 4th day of November, 1996

Original Application No.1279 of 1994

District : Varanasi

CORAM :-

Hon'ble Mr. S. Das Gupta, A.M.

Hon'ble Mr. I.L. Verma, J.M.

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

(Sri Amit Sthalekar, Advocate)

. . . . . Applicants

Versus

1. Mohd. Sabir Son of Late Hafiz Mohammad Ismail  
Station Master, Eastern Railway, Manpur  
Under Divisional Railway Manager, Mughalsarai,  
Varanasi.
2. Prescribed Authority under the Payment of  
Wages Act, 1936/Assistant Labour  
Commissioner, Varanasi.

(By Sri OS Dwivedi, & Sri SS Sharma, Advocates)

. . . . . Respondents

ORDER (Oral)

By Hon'ble Mr. S. Das Gupta, A.M.


This application was filed by the Union of India through the General Manager, Eastern Railway, Calcutta challenging the award dated 27-10-1993 by which respondent no.1 was granted Rs.39,005.09 as ~~a~~ <sup>h</sup> ~~as~~ deducted wages and also an equal amount as compensation by respondent no.2 i.e. the Prescribed

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Authority under the Payment of Wages Act. The respondent no.1 had filed a counter affidavit in which a preliminary objection has been made to the maintainability of the application on the ground that applicant did not file an appeal before the District Judge before filing this OA.

2. In ~~the~~ recent case of K.P. Gupta the Hon'ble Supreme Court took the view that the <sup>appellate</sup> ~~original~~ jurisdiction of the District Judge under Section 17 is not ousted by the provisions contained in the Administrative Tribunals Act, 1985. It is, therefore, clear that the applicants had a statutory remedy available to them by way of filing an appeal before the District Judge, which remedy they have not yet exhausted.

3. In view of this, the application is dismissed. Nothing in this order, shall, however, preclude the applicants from filing, if so advised, an appeal before the appropriate forum under the Payment of Wages Act.

  
Member (J)

  
Member (A)

Dube/