

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Allahabad this the 22nd day of April, 1997

Coram : Hon'ble Mr. T. L. Verma, Member-J
Hon'ble Mr. S. Dayal, Member-A

Original Application No. 1280 of 1994.

1. Union of India through
xx 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.

.....petitioners.

(C/A Sri Amit Sthalekar)

Versus

1. Ganesh Prasad Mishra, son of late Babulal
Mishra, Dy. Chief Yard Master, Eastern Railway,
Mughalsarai, Varanasi
2. Prescribed Authority, under the Payment of Wages
Act, 1936/Assistant Labour Commissioner, Varanasi.

.....Respondents.

(C/R Sri Ashwani Kumar & Sri R.V.Pandey)

O_R_D_E_R

(By Hon'ble Mr. T. L. Verma, Member-J)

This application under Section 19 of the
Administrative Tribunals Act, 1985 has been filed

for a

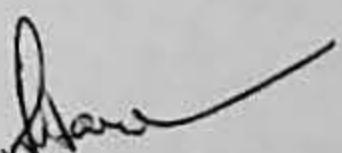
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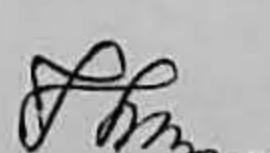
for quashing order dated 27.10.1993 passed by the Prescribed Authority under the Payment of Wages Act

2. The Hon'ble Supreme Court in K.P.Gupta's case reported in J.T.1995 (7) S.C. page 522 has held that jurisdiction of the District Judge to entertain appeal against the award of the Prescribed Authority under the Payment of Wages Act has been ^{not} ~~been~~ barred by any of the provisions of the Administrative Tribunals Act. From the averments made in the OAA. it is apparent that this application has been filed before exhausting alternative remedy of filing appeal before the District Judge under Section 17 of the Payment of Wages Act. In addition to the above, in yet another decision the Hon'ble Supreme Court has held that neither the prescribed authority under the Payment of Wages Act nor the District Judge is subordinate to the Administrative Tribunals, therefore, the Administrative Tribunals ~~as~~ cannot entertain an application against the decisions of both or any of the aforesaid forum.

3. In view of the above, this application is not maintainable before this Tribunal and the same is accordingly dismissed as not maintainable.

4. This will, however, not preclude the applicants ~~from~~ ^{to} seeking their remedy in an appropriate forum in accordance with law.


Member-A


Member-J

(pandey)