

03-7-96

Hon'ble Mr. Justice B.C. Saksena, V.C.

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

Heard learned counsel for the applicant. M.A.

No. 624/96 has been filed seeking amendment in the O.A.

2. In the OA an order passed by the Prescribed Authority under the Payment of Wages Act without availing the remedy of appeal before the District Judge was challenged. The order sheet discloses that attention of the learned counsel for the applicant was invited to the recent decision by the Hon'ble Supreme Court in the case of Sri K.P. Gupta, this amdt. application has been moved to meet the said aspect of the matter. The applicant seeks deletion of Respondent No. 5 i.e. the Prescribed Authority and also seeks deletion of relief no. 1 whereby quashing of the order passed by the Respondent was sought and to maintain other reliefs. The other relief cannot be granted if the order passed by the Prescribed Authority stands. The deletion of relief No. 1 will render grant of relief no. 2.

3. In consequence the OA is dismissed summarily leaving the applicant the liberty to seek his remedy in the appropriate forum in accordance with law.

*WL*

A.M.

*BC*

V.C.

Dube/