

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No. 1528 of 1994

Allahabad this the 12th day of August 1997

Hon'ble Dr. R.K. Saxena, Member (J)
Hon'ble Mr. D.S. Baweja, Member (A)

Union of India through General Manager, Central
Railway, V.T. Bombay, D.R.M. Divisional Engg.(East)
Jhansi and Assistant Engg. C. Railway, Mahoba.

APPLICANT

By Advocate Sri G.P. Agrawal

Versus

1. Sri Har Das s/o Mohan Lal, M.R.C.L. at P.W.I.C.
Railway, Mahoba.
2. Prescribed Authority under Payment of Wages Act,
1936/DLC/Jhansi.

RESPONDENTS

O R D E R (Oral)

By Hon'ble Dr. R.K. Saxena, Judicial Member

The present O.A. has been filed under Section
19 of the Administrative Tribunals Act, 1985 challenging
the award given by the Prescribed Authority under Payment
of Wages Act, 1936 on 22.7.94.

2. The facts which come out of the O.A. and
award given by the Prescribed Authority are that one
Har Das - respondent no.1 was in the employment of the
applicant. It appears that his salary amounting to
Rs,11,200/- was illegally deducted for the period 07.8.92
to 07.3.93. The respondent no.1, therefore, espoused
P.W. case no. 27 of 1993 before the Prescribed Authority-
respondent no.2. The claim made by the respondent no.1
was that he should be allowed payment of illegal deducted

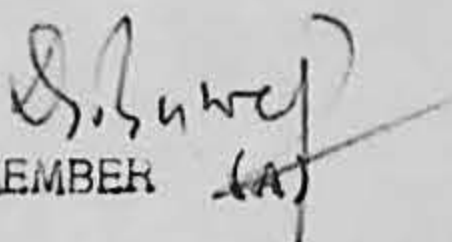
as well as compensation double of the amount of illegal deduction. The respondent no.2 was satisfied about the illegal deduction of salary and, therefore, passed the impugned award on 22/7/94 directing the present applicant to make payment of Rs.11,200/- towards the salary which was illegally deducted and also to make payment of Rs.22,400/- as compensation. Besides, the respondent no. 2 also directed the applicant to make payment of an additional amount of Rs.200/- towards the cost of litigation. Feeling aggrieved by this award, the applicant approached the Tribunal with the relief hereinbefore mentioned.

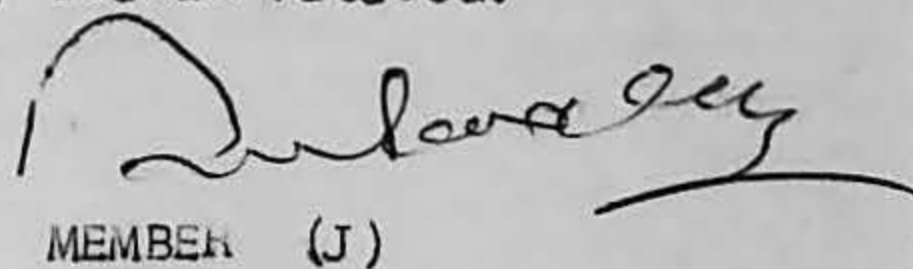
3. The O.A. was admitted on 18/10/94. The applicant was directed to deposit the amount of award with the Prescribed Authority within one month and the respondent no.2 (who has been described as applicant in the order) was authorised to withdraw only that much amount which pertain to his salary from the period 07/8/92 to 07/3/93. He was restrained from withdrawing the amount of compensation.

4. The matter remained pending. The notices were issued to the respondents but none appeared in the case. In the meantime came the decision of the Hon'ble Supreme Court in 'K.P. Gupta Vs. Controller, Printing and Stationery A.I.R. 1996 S.C. 408 , in which the view taken was that the jurisdiction of appellate authority prescribed under Section 17 of the Payment of Wages Act, 1936, was never taken away by Section 28 of the Administrative Tribunals Act 1985. It meant that the aggrieved person should approach the appellate authority so prescribed under the Act. In the present case, the applicant has rushed to the Tribunal without seeking any relief before the

appellate authority under the Act.

5. It is true that the matter is pending at the stage of completion of pleadings but in view of law laid down by their Lordships of Hon'ble Supreme Court, there is no point to keep the matter pending. We have heard Sri G.P. Agrawal in this connection and he also finds no other way out. In view of the legal ~~legal~~ position, we finally decide the matter at the stage of admission after coming to the conclusion that this Tribunal has got no jurisdiction to entertain the O.A. The applicant, if so advised, may approach the appellate authority prescribed under the said Act. The O.A., therefore, stands dismissed. The stay order which was granted on 18/10/1994, stands vacated.


MEMBER (A)


MEMBER (J)

/M.M./