

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH, ALLAHABAD.

Allahabad this the day 15th May 1997.

ORIGINAL APPLICATION NO. 1787 OF 1994.

CORAM : Hon'ble Mr. T.L. Verma, Member-J
Hon'ble Mr. D.S. Baweja, Member-A

Union of India through General Manager
Central Railway, V.T. Bombay and Divisional
Railway Manager, C.R. Jhansi.

(By Advocate Shri B.P. Agarwal) Applicant.

Versus

1. Sri Rameshwar, aged about 56 years,
S/o Nirau, R/o Railway Quarter No. 755 C
Rani Laxmi Bai, City Jhansi.

2. Commissioner Workman Compensation Act 1923,
A.L.C. Jhansi.

(By Advocate Shri O.P. Gupta.

..... Respondents.

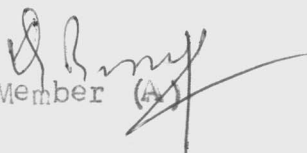
O R D E R (ORAL)


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

1. This application has been filed for
setting aside the order dated 12.8.1994 passed
in Workman Compensation Case no. 4 of 1994. By
this order the authority under the Workman Compensation
Act has awarded the sum of Rs 23,160/- as compensation
and Rs 11,580/- as penalty and Rs 1000/- by way of
costs of the case, ~~through the Impugned Award.~~

The Hon'ble Supreme Court in the decision of the L. Chandra Kumar Versus Union of India & others reported in JT 1997 (3) SC 589 has held that Selection 28 of the Administrative Tribunal's Act to the extent it bars the jurisdiction of the High Court is ultra virous of the Constitution. Section 30 of the Workman Compensation provides for an appeal before the High Court against the award of the Authority under the Workman Compensations Act. In view of this and having regard to the decision of the Constitution Bench of the Hon'ble Supreme Court referred to above the Tribunal has no jurisdiction to entertain an application against the award passed by the Authority under the Workman Compensation Act.

2. In view of this, we dismiss this application as not maintainable. This, however, will not preclude the applicant from seeking remedy before an appropriate forum in accordance with law.


Member (A)


Member (J)

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