

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL

ALIAHABAD BENCH

ALIAHABAD.

Allahabad this the day 25th July 1997.

ORIGINAL APPLICATION NO. 1897 PF 1994.

CORAM : Hon'ble Dr. R.K. Saxena, J.M.

Hon'ble Mr. D.S. Baweja, A.M.

Union of India through the General Manager,
Northern Railway, Baroda House, New Delhi,
D.R.M Northern Railway, Allahabad,
Personal Officer, N. Railway, Allahabad
and A.E.N. Line N. Railway, Kanpur.

..... Applicant.

(By Advocate Shri G.P. AGarwal)

Versus

1. Shri Ram Din, S/o Bodo,
R/o Bashaunna, P.O. Manjhanpur,
District Allahabad and local address
U.T.U.C. U.P. 117/75, Darshanpurwa,
Kanpur-12.

2. The Prescribed Authority

under the Payment of Wages Act 1936 at Kanpur.

.... Respondents.

(By Advocate)

O R D E R

(By Hon'ble Dr. R.K. Saxena, J.M.)

1. Union of India ~~as~~ the applicant-
has brought this O.A challenging the award given
by respondent no. 2 under Payment of Wages Act, 1936.

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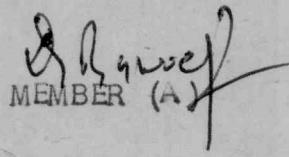
2. Briefly stated the facts of the case are that the respondent no. 1 Ram Din was working under the applicant. It is stated that the salary for the period from 14.3.1989 to 14.7.1989 amounting Rs 5,916.80 Paisa, was illegally withheld and not paid to him. He, therefore, ~~espouse~~ a case P.W 526/89 before the respondent no. 2 claiming the payment of Rs 5,916.80 paisa towards salary and ten times as compensation. The respondent no. 2 was convinced and gave the award on 19.9.1994 directing the applicant to make payment of Rs 5,916.80 Paisa towards salary and Rs 7,750.40/- Paisa towards compensation. Besides, an amount of Rs 250/- ^{was} further directed to be paid as costs. Feeling aggrieved by this award, the present O.A has been filed. It was admitted on 6.1.1995 and notices were issued to the respondents but no Counter Affidavit has been filed.

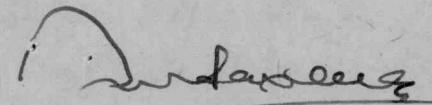
3. The matter is listed for final hearing. We have heard the learned counsel for the applicant Shri G.P. Agarwal. The legal position on the point has been made clear by their Lordships of Supreme Court in the case of K.P. Gupta Versus Controller of Printing and Stationary A.I.R 1996 SC 408 in which it is held that the Appellate forum has been created Under Section 17 of the Payment of Wages Act and the said jurisdiction could not be taken away by Section 28 of the Administrative Tribunals Act, 1985. The result of this decision is that the applicant should approach the Appellate Forum prescribed under the Act. This Tribunal has got no jurisdiction to decide the matter.

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The applicant, if so advised, may approach even now the Appellate Forum.

4. The Original Application, therefore, stands dismissed and stay order which was granted on 6.1.1995, stands vacated.


MEMBER (A)


MEMBER (J)

am/