

RESERVED

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD  
ADDITIONAL BENCH AT ALLAHABAD

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Allahabad : Dated this 18 th day of October, 1996

Original Application No. 25 of 1994

District : Mughalsarai

CORAM:-

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

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

1. General Manager, Eastern Railway,  
17, Neta Subhash Road, Calcutta.
2. Divisional Railway Manager, Eastern Railway,  
Mughalsarai.
3. Senior Divisional Personnel Officer,  
Eastern Railway, Mughalsarai.
4. Divisional Accounts Officer,  
Eastern Railway, Mughalsarai.

(By Sri Amit Sthalekar, Advocate)

• • • • • Applicants

Versus

1. Smt. Jhamal Devi wife of Late  
Sri Jag Mohan Lal Resident of Hanumanpur,  
Shahkuti, P.O. Mughal Sarai, District Varanasi.
2. Prescribed Authority, under the Payment of Wages Act,  
Varanasi.

(By Sri P.I. Srivastava, Advocate)

• • • • • Respondents

O R D E R

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

This OA was filed by the General Manager Eastern Railway and others challenging the award dated 7-7-1993 passed by the Prescribed Authority under the Payment of Wages Act. The applicants have sought quashing of

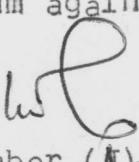


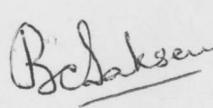
the aforesaid award by which they have been directed to pay to the respondent no.1 a sum of Rs.2109/- as arrears of wages alongwith five times the said amount by way of compensation plus Rs.100/- as costs.

2. The facts of the case need not be stated since the case can be decided on the short question of maintainability alone. The respondent no.1 has raised the question of maintainability of this application in Para No.6 of the counter affidavit. His submission is that Section 17 of the Payment of Wages Act specifies that an appeal from the award given by the Prescribed Authority will lie before the District Court and, therefore, this Tribunal has no jurisdiction to hear the matter.

3. In a recent case of K.P. Gupta Vs. Controller of Printing & Stationery, reported in J.T. 1995 (7) S.C. Page 522 the Hon'ble Supreme Court has decided that nothing under the Administrative Tribunals Act, 1985 has the effect of ousting the appellate jurisdiction of the District Judge under Section 17 of the Payment of Wages Act. In the case before us the applicants have approached ~~before~~ this <sup>first</sup> Tribunal without filing ~~the~~ appeal before the District Judge. It is thus clear that the applicants have approached the Tribunal without first exhausting the statutory remedy available to them. The application cannot, therefore, be admitted, in view of the provisions contained in Section 20 of the Administrative Tribunals Act, 1985.

4. In view of the foregoing the OA is dismissed as not maintainable. Nothing in this order, however, will preclude the applicants from filing, if so advised, an appeal before the appropriate forum against the impugned award of the Prescribed Authority.

  
Member (A)

  
Vice Chairman

Dube/