

OPEN COURT

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,
ALLAHABAD

Allahabad: Dated this 20th day of November, 1996

ORIGINAL APPLICATION NO.469 OF 1994

DISTRICT: JHANSI

CORAM : Hon'ble Dr R.K. Saxena, JM
Hon'ble Mr D. S. Baweja, AM

Union of India through D.R.M., Central Railway,
Jhansi - Applicant
(G/A Sri G.P. Agrawal)

Versus

1. Laxman Kamal son of Sri Kamal,
resident of House No. 568/2, Nai
Basti, Jhansi
2. Prescribed Authority under Payment of
Wages Act, Dy. Labour Commissioner,
Jhansi Region, Jhansi - Respondents

(G/R Sri M.S. Pipersenia)

ORDER (ORAL)

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

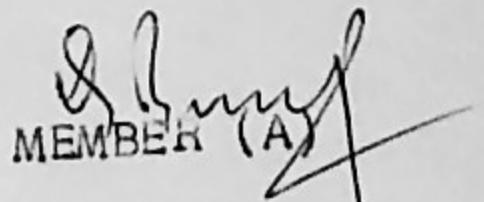
This O.A. has been preferred challenging the award
given by the Respondent No.2 in P.W. Case No.69/87 Laxman
P.W. 1 Kamal Versus D.R.M., Central Railway, Jhansi.

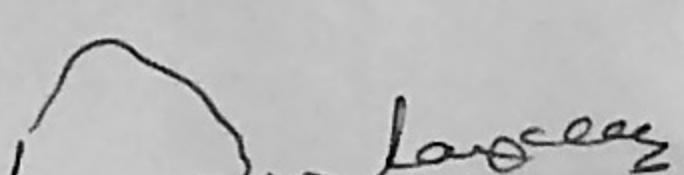
2. The brief facts of the case are that Respondent No. 1
was in the employment of the applicant and on his retirement,
he was entitled to get an amount of Rs.11,023.55 but the
applicant illegally deducted an amount of Rs.6595.85. He,
therefore, brought this matter to the notice of the respondent
No. 2 through the said P.W. Case. The Respondent No.2
was satisfied that the illegal deduction was done by the
applicant. Therefore, the deducted amount of Rs.6595.85 was
ordered to be paid along with the equal amount as compensation.
An amount of Rs.50/- was further directed to be paid as

expenses of the litigation. Feeling aggrieved by this award, this O.A. has been preferred.

3. The Respondent No.I has filed the Counter Affidavit on behalf of Laxman Kamal challenging the maintainability of the O.A. The applicant has filed the rejoinder Affidavit

4. Today Sri G.P.Agrawal, Counsel for the applicant is present but the Counsel for respondents No.I is not present. He has sought adjournment but we do not propose to adjourn the case. The disposal of this case is covered by the decision rendered by their Lordships of the Supreme Court K.P. Gupta Versus Controlling Printing and Stationary A.I.R. 1976 S.C. 408. It is an admitted fact in the present case that no Appeal was preferred against the award under section 17 of payment of wages Act. Their lordships of Supreme Court in the case of K.P.Gupta (supra) has observed that the Appellate Power under the provisions of payment of wages Act, are not taken by Section 28 of the Administrative Tribunal Act 1985. No authority can approach the Tribunal without exhausting all the remedies. In this way, the O.A. does not remain maintainable. The applicant is so advised, may approach the Appellate Authorities. In this connection The O.A. is, therefore, dismissed. The Stay Order which was granted on 25.3.96 stands vacated.


MEMBER (A)


MEMBER (J)