

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH  
ALLAHABAD.

Allahabad this the 15th day of May 2001.

Original Application no. 130 of 1994.

Hon'ble Mr. Justice RRK Trivedi, Vice Chairman  
Hon'ble Maj Gen KK Srivastava, Member-A.

1. Union of India through General Manager,  
N.E. Rly., Gorakhpur.
2. Deputy Chief Engineer, N.E. Rly.,  
Gorakhpur.

... Applicants

C/As Sri V.K. Goel


Versus

1. Labour Enforcement Officer (Central),  
Gorakhpur.
2. Authority under the Minimum Wages Act/ Regional  
Labour Commissioner (Central), 17/201  
Swarup Nagar, Kanpur.
3. D.B. Rai Chaudhary, Casual Labour under IOW (South)  
N.E. Rly., Gorakhpur.
4. Abdul Hanif Casual Labour under IOW (South),  
NE Rly., Gorakhpur
5. Maqbool Ahmad, Casual Labour under IOW (South)  
NE Rly., Gorakhpur.

... Respondents

C/Rs. Km. Sadhana Srivastava.

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O R D E R (Oral).

Hon'ble Mr Justice RRK Trivedi, VC.

By filing this OA the applicants, Union of India and Dy. Chief Engineer, NE Rly., Gorakhpur have challenged the order dated 10.5.1993 passed by Authority/Regional Labour Commissioner (Central), under Minimum Wages Act, 1948. The question for consideration is whether this OA against the order of the Authority under Minimum Wages Act, is legally maintainable before this Tribunal or not. Hon'ble Supreme Court in a case of Krishan Prasad Gupta Vs. Controller, Printing & Stationery, 1996 SCC (L&S) 264, while examining the maintainability of appeal arising out of the order passed under section 15 of the Payment of Wages Act, 1936 held that the appeal is not legally maintainable. There Lordship's, further examining the provision contained in Section 28 of the A.T. Act, 1985 held that the Authority under Payment of Wages Act, 1936 is an authority under any other corresponding law, Hence, the Tribunal has no jurisdiction, As it comes within the exception provided under section 28 (b) of A.T. Act, 1985.

2. A close examination of the provision contained in Minimum Wages Act, 1948 will show that this law was enacted to save labour and services against the payment of less than Minimum wages provided under Minimum Wages Act, 1948. The word wages have been defined under

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section 2 (h) and the definition provided is similar as provided under section 2 (RR) of the I.D. Act, 1947 and 2 (VI) of Payment of Wages Act, 1936. Section 20 provides forum regarding claims under Minimum Wages Act, 1948. The appropriate Govt. by a notification could appoint the authority to hear and decide the claim under the Act. Section 20, Sub Section 6 attaches finality to every direction of the Authority, given under section 20. The arrears of the prescribed minimum wages can be recovered even under section 33-C (2) of the I.D. Act, 1947 as held under several cases. All these provisions are sufficient to establish that Minimum Wages Act, is a corresponding law as contemplated under section 28 (b) of the A.T. Act, 1985 and it comes under the expectations provided there in.

3. Para 38 of the judgment of Hon'ble Supreme Court in case of K.P. Gupta (Supra) may be quoted herewith for benefit :-


"38. Our conclusion, therefore, is irresistible that the 'Authority', constituted under Section 15 and the appellate authority under Section 17 of the Payment of Wages Act, fall within the exception indicated in Section 28 of the Administrative Tribunals Act and this Act, namely, Payment of Wages Act, is positively covered by the connotation "corresponding law" used in that section. Consequently, the jurisdiction of the Authority to entertain and decide claim cases under Section 15 of the Payment of Wages Act is not affected by the establishment of the Administrative Tribunals."

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The view expressed by the Hon'ble Supreme Court in the above case is <sup>squarely</sup> applicable in the present case also arising out of the order dated 10.5.1993 under section 20 <sup>perused by</sup> ~~of~~ the Authority under Minimum Wages Act,. The OA is not legally maintainable here and is accordingly dismissed. No order as to costs.

4. However, the applicant ~~may~~ challenge the order before appropriate forum.

  
Member-A

  
Vice-Chairman

/pc/