

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL

ALIAHABAD BENCH. ALIAHABAD.

Allahabad this the day 17th October, 1997.

CORAM : Hon'ble Dr. R.K. Saxena, Member (J)

Hon'ble Mr. D.S. Baweja, Member (A)

ORIGINAL APPLICATION NO. 1105 OF 1994.

Union of India through the D.P.O

Northern Railway, D.R.M Office,

Allahabad.

..... Applicant.

(By Advocate Shri G.P. Agarwal)

Versus

Rajni Kant Soni and others Respondents.

(By Advocate Shri H.B. Singh)

ORDER (OBAL)

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

1. This Original Application has been filed challenging the judgement (Annexure-A-2) given by IIns Additional District Judge, Allahabad, on 17.2.1992.

2. The brief facts of the case are that one Rajni Kant Soni respondent no. 1 had instituted a case before the prescribed Authority under payment of Wages Act with the prayer that the present applicant had illegally deducted an amount of Rs 19577.20 paisa of salary from 12.2.19 to 17.12.1983, and bonus for the month of November 1984. He, therefore, claimed the said amount alongwith compensation at the rate of 10 times of the amount. The matter was decided

by the Prescribed Authority on 10.10.1987. The direction given by the prescribed Authority was that the present applicant shall pay an amount of Rs 19,577.20 paisa which was illegally deducted from the salary ^{also} and the amount of bonus to the present respondent no. 1. Besides, an amount of Rs 39,154.40 paisa equivalent to two times of the deducted amount, shall be paid as compensation and Rs 100/- as cost.

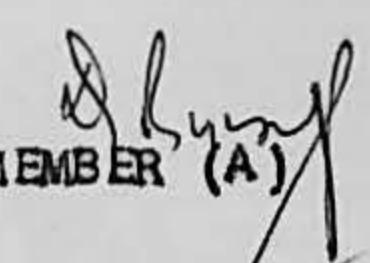
3. It appears that the award given by the prescribed Authority was challenged by the present applicant before the District Judge, Allahabad, who came to the conclusion that the jurisdiction was vested in Central Administrative Tribunals. Therefore, direction given was that the Appellant before him should approach the appropriate forum. Hence this Original Application here. The respondent no. 1 contested the case by filing C.A and by raising the question of jurisdiction.

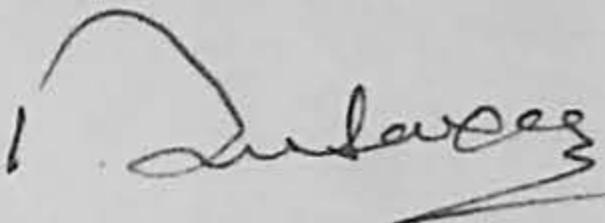
4. Shri G.P. Agarwal counsel for the applicant is present today. None appears for the respondents.

5. The main question in this case is whether the Central Administrative Tribunal can exercise jurisdiction over the dispute as has been narrated above. Therefore, Lordships of the Supreme Court in the case of K.P. Gupta Versus Controller of Printing and Stationary AIR 1996 SC 408 has clearly laid down that the appeal against the award of the Prescribed Authority under the Payment of Wages Act lies before the District Judge and the Central Administrative

Tribunal ^{could} ~~cannot~~ exercise the jurisdiction. The powers Under Article 227 of the Constitution as regards the Central Administrative Tribunal ^{were} ~~which~~ further restricted by the Hon'ble Supreme Court in the decision of L. Chandra Kumar Versus Union of India and others A.I.R 1997 SC 1125.

6. In view of these facts, the present Original Application is not maintainable here. The applicant may approach the appropriate forum, if so advised. The Original Application stands dismissed. Interim stay granted on 1.8.1994 stands vacated


MEMBER (A)


MEMBER (J)

am/