

OPEN COURT

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

\* \* \*

Allahabad : Dated this 13th day of October, 1998

Original Application No. 147 of 1994

District : Moradabad

COUNSEL:

Hon'ble Mr. S. Loyal, A.M.  
Hon'ble Mr. S.K. Agrawal, J.M.

1. Union of India through  
Divisional Rly Manager,  
Northern Railway, Moradabad.
2. Sri Praveen Kumar Mittal,  
Senior D.S.T.E.D.R.M. Office,  
Northern Rly., Moradabad.

(Sri A.K. Gaur, Advocate)

..... .Applicant

Versus

1. Sri Shiv Swaroop, S/o  
Sri Ram Swaroop, Rly Quarter  
No. H-12, Railway Harthala Colony,  
Moradabad, U.P.
2. Shri M.M. Chaudhary,  
Asst. Labour Commissioner,  
(Prescribed Authority), under  
the Payment of Wages Act,  
Moradabad.

(Sri SK Mishra, Advocate)

..... .Respondents

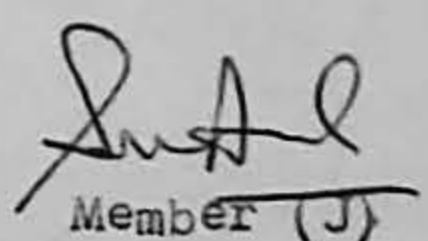
ORDER (Oral)

By Hon'ble Mr. S. Loyal, A.M.

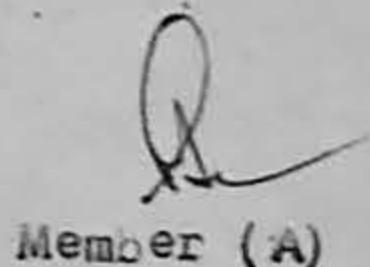
This application has been filed under Section 19 of the Administrative Tribunals Act, 1985. The applicant has filed this application against the order dated 3-1-1994 passed by Asst. Labour Commissioner (The Prescribed Authority) under the Payment of Wages Act. The Prescribed Authority passed an order on the order sheet of the case on 3-4-1994 that initial objections of the respondents shall be disposed of at the time of final disposal of the case under the Payment of Wages Act.

2. It appears that the applicant has taken a preliminary objection to the order dated 3-1-1994 by filing an application in which they had challenged the jurisdiction of the Prescribed Authority under the Payment of Wages Act in this case because the applicant was getting wage of more than Rs.1600/- per month. This objection was sought to be disposed of by the order of the Prescribed Authority till final disposal of the case.

3. In any case now the position with regard to Payment of Wages Act cases and the jurisdiction of the CAT on such cases has been made amply clear by the Apex Court in KP Gupta's case. This court lacks jurisdiction to hear cases under Payment of Wages Act and, therefore, the application filed by the applicant is dismissed as not maintainable. The applicant may seek redress before a proper forum if so advised.



Member (J)



Member (A)

Dube/