

OPENCOURT

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,
ALLAHABAD.

Dated: Allahabad this the 8th October, 1996.

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

ORIGINAL APPLICATION NO. 1183 OF 1995

Union of India through (1) The General Manager, Central Railway, V.T. Bombay
(2) The Divisional Railway Manager, Central Railway, Jhansi and (3) The Permanent Way Inspector, Central RAILWAY, Orai (District Jalaun) -
(C/A Sri G.P. Agarwal) APPLICANT

versus

1. Sri Anil Kumar aged about 23 years son of Sri Ram Naresh c/o Sri Markandeshwar Nath Srivastava, Near Mahabeeran Temple, Nagar, Jhansi

2. The Prescribed Authority under the Payment of Wages Act, 1936 at Jhansi, (D.L.C.) -

RESPONDENTS

(C/R)

ORDER (ORAL)

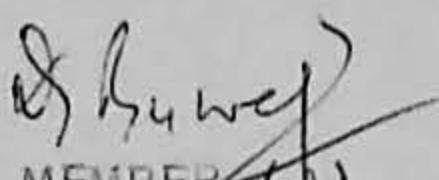
(By Hon'ble Dr R.K.Saxena, JM)

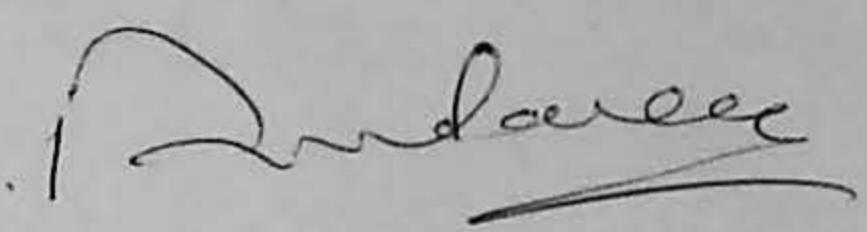
This O.A. has been filed challenging the award given by the Prescribed Authority under the Payment of Wages Act. The relief sought is that the award dated 7.9.94 given by the Prescribed Authority in case No. 128/92 Anil Kumar Versus Divisional Railway Manager, Central Railway, Jhansi, be set aside.

There is provision for filing an appeal under section 17 of the Payment of Wages Act against the order of the Prescribed Authority. Sri G.P. Agrawal

Counsel for applicant has conceded that ^{an} Appeal was preferred against the award. In view of the Law laid down in case of K.P. Gupta Versus Controller of Printing and Stationary A.I.R. 1996 Supreme Court 408. It is made clear that the Tribunal cannot entertain a Petition against the award unless the remedy of Appeal is exhausted. It is not a case in which the direct interference under Article 226 of the Constitution of India may be made.

We are, therefore, of the view that the A.O. is not maintainable and is, therefore, dismissed.


D. Bhuyan
MEMBER (A)


P. Dandekar
MEMBER (J)

RJ