

CENTRAL ADMINISTRATIVE TRIBUNAL, ALIAHABAD BENCH,
A L L A H A B A D

Dated : Allahabad this the 9th day of July, 1996.

CORAM : Hon'ble Mr. Justice B. C. Saxena, V.C.
Hon'ble Mr. S. Das Gupta, Member-A.

ORIGINAL APPLICATION NO. 253 of 1995.

Union of India through :-

- (a) Divisional Railway Manager, Central Railway, Jhansi.
- (b) Station Superintendent, Central Railway, Mahoba.
- (c) Bhagwati Prasad Sharma, Station Superintendent, Central Railway, Mahoba.

....Applicants.

(THROUGH ADVOCATE SHRI G. P. AGARWAL)

V e r s u s

- 1. Shri Durga Prasad aged about 41 years, S/o. Sri Nand Kishore r/o. Muranipur, District Jhansi.
- 2. Prescribed Authority under Payment of Wages Act, Jhansi (A.L.C.)

.....Respondents.

O R D E R

(By Hon'ble Mr. Justice B. C. Saxena, V.C)

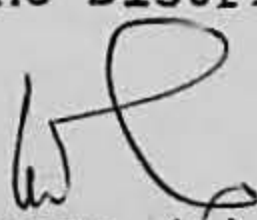
This O.A. has been filed to challenge an order passed by the Prescribed Authority under the Payment of Wages Act. The O.A. has not been admitted so far. Notices were issued to the respondents to show cause why the O.A. be not admitted. Notice to the Respondent No.1 has been returned back unserved.

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Since this O.A. has not been admitted, in view of the Supreme Court's decision in K. P. Gupta Vs. Controller of Printing Press, since the apex court has held that the jurisdiction to hear an appeal under Section 17 of the Payment of Wages Act has not been ousted by the provisions of Administrative Tribunals Act, 1985 and the said court ^{that forum needs to be approached} is still competent to hear the appeal. Learned counsel ^{for} for the applicant submitted that the claim made in the petition under Section 15 of the Payment of Wages Act on its own showing was not maintainable before the ~~Prescribed~~ Prescribed Authority and thus the order passed by the Prescribed Authority was without jurisdiction.

2. We are of the opinion that this question can be raised in appeal before the District Judge and that ^{can} ~~will~~ not be a ground to over look the decision of K. P. Gupta's case. The O.A. is accordingly dismissed leaving an opportunity to the applicant to file an appeal before the District Judge ^{in accordance with law.} ^{for}


MEMBER (A)


VICE CHAIRMAN

Dtd. July 9, 1996.

(Pandey)