

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 21ST DAY OF NOVEMBER 1997

Original Application No. 254 of 1995

HON.MR.S.DAS GUPTA, MEMBER(A)

1. General Manager, Central Railway
Bombay V.T.
2. Divisional Railway Manager
Central Railway, Jhansi
3. Permanent Way Inspector
Central Railway, Orai
4. Assistant Engineer, Central Railway
Kanpur.

... . . Applicants

Versus

1. Madhuresh Khare aged about 33 years
Son of Sri Jagdish Sahai Khare
R/o 46 Najhai Bazar, Jhansi
2. The Prescribed Authority under the
Payment of Wages Act 1936 at Jhansi

... . . Respondents

O R D E R(oral)

HON.MR.S.DAS GUPTA, MEMBER(A)

This application has been filed by the Union of India challenging an award dated 30.11.94 given by the Prescribed Authority under the payment of wages Act.

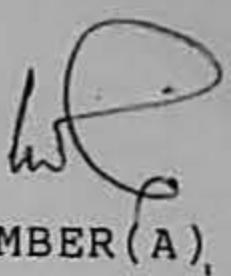
2. The Hon'ble Supreme court has held in ~~the~~ case of 'K.P. Gupta Vs. Controller Printing and Stationery that the appellate jurisdiction of the District Judge is not ousted by any provision contained in the Administrative Tribunals Act 1985.

3. The applicants have approached this Tribunal without exhausting the statutory remedy available to them by way of filing an appeal before the District Judge. The O.A is therefore not maintainable and the

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same is dismissed accordingly. The interim order is vacated.

4. Nothing in this order however, shall preclude the applicant from seeking relief by filing an appeal before the appropriate court of jurisdiction in accordance with law.



MEMBER(A),

Dated: 21st November, 1997

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