

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 15TH DAY OF JANUARY 1997

Original Application No. 269 of 1995

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

Hon.Mr.T.L.verma, MEMBER(J)

1. The General Manager, Eastern Railway
17, Netaji Subhash Road,
Calcutta, Bengal.
2. The Divisional railway manager,
Eastern Railway, Mughalsarai
District Varanasi.
3. The Senior Divisional Personnel Officer
Eastern Railway, mughalsarai, District Varanasi
4. The Divisional Accounts Officer,
Eastern Railway, Mughalsarai, District
Varanasi.

Applicants

Versus

1. Naresh Prasad Sharma,
S/o late Sri ram Lakhan Singh
Station Master, Kosiyara
Eastern Railway, Mughalsarai
Varanasi
2. Prescribed Authority under the Payment
of Wages Act 1936 Asstt. Labour
Commissioner, Varanasi.

Respondents

O R D E R(Oral)

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

This O.A. was filed challenging an order dated 20.5.1994 passed by the Prescribed Authority under the Payment of Wages Act awarding a sum of Rs.34576.65 as deducted wages and an equal amount as compensation together with Rs.100/- as cost. The applicants did not file any appeal before the District Judge and approached this Tribunal through this O.A.

2. In the case of K.P. Gupta Vs. Controller of Printing and Stationery, the Hon'ble Supreme Court has held that the appellate jurisdiction of the District Judge under Section 17 of the Payment of Wages Act is not ousted by any provisions contained in the Administrative Tribunals Act 1985. The applicants therefore had a statutory remedy available to them by filing an appeal before the District Judge. As they have not exhausted the aforesaid remedy, this OA is not maintainable before this Tribunal.

3. The O.A. is, ^{here for} ~~however~~ dismissed.

4. Nothing in this order however, shall preclude the applicant from filing any other application before any appropriate forum.

5. The interim order passed earlier is vacated.

J. Sharma

MEMBER(J)

W. E.

MEMBER(A)

Dated: 14th January, 1997
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