

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
ALLAHABAD.

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Allahabad this the 11 day of December 1996.

Original application No. 270 of 1995.

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

The General Manager, Eastern Railway,  
17 Netaji Subhash Road, Calcutta,  
Bengal.

2. The Divisional Railway Manager,  
Eastern Railway, Mughalsarai, Dist.  
Varanasi.

3. The Senior Divisional Accounts Officer,  
Varanasi.

4. The Divisional Accounts Officer,  
Eastern Railway, Mughalsarai, Dist.  
Varanasi.

..... Applicants.

C/A Sri Amit Sthalkar

Versus

Sri Narayan Mandal, S/o Late Buddhan  
Mandal, Station Master, Eastern Railway,  
Ankorad, Mughal sarai, Varanasi.

2. Prescribed Authority, under the payment  
of Wages Act/Assistant Labour Commissioner,  
Varanasi.

..... Respondents.

C/R Sri Shyamji Gaur

O R D E R (ORAL)

Hon'ble Dr. R.K. Saxena, JM

The applicants have approached the Tribunal  
challenging the award dated 20.5.94 given by the Prescribed  
Authority under payment of Wages Act.

2. Briefly stated, the facts of the case are that  
respondent No. 1 was working as Assistant Station Master

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(Platform) at Mughalsarai . Some of the Assistant Station Masters(Platform) were given higher grade and were appointed as Assistant Station Masters(Cabin). The respondents No. 1 therefore contended that he was deprived of the higher grade. Therefore he made a complaint before the Prescribed Authority under Payment of Wages Act with the allegation that the act of the present applicants did amount deduction of salary. The Prescribed Authority who is respondent No. 2 in the present O.A. gave award in favour of respondent No. 1. Feeling aggrieved by this award, this O.A. has been filed.

3. The provision of preferring appeal under Section 17 of Payment of Wages Act is made but that remedy was not availed by the applicants. Their Lordship of Supreme Court in the case K.P. Gupta Vs. Controller Printing and Stationery AIR 1996 SC 408 held that the powers of appellate authority under Payment of Wages Act, were not taken away by Section 28 of Administrative Tribunals Act 1985. In such a view, the applicant should have approached the appellate authority as prescribed under Section 17 of the said Act. In view of this factual and legal position, we are of the view that this O.A. is not maintainable. The O.A. is therefore dismissed.

4. The stay was granted at the time when this O.A. was admitted on 3.4.95, the said stay stands vacated.

Member - A

Member - J

Arvind.