

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD.

Allahabad this the 14 day of January 1997.

Original application No. 271 of 1995.

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

1. The General Manager, Eastern Railway,
17 Netaji Subhash Road, Calcutta.
2. The Divisional Railway Manager, Eastern
Railway, Mughalsarai, Dist. Varanasi.
3. The Senior Divisional Personnel Officer,
Eastern Railway, Mughalsarai, Dist. Varanasi.
4. The Divisional Accounts Officer, Eastern
Railway, Mughalsarai, Dist. Varanasi.

..... Applicants.

C/A Sri Amit Sthalkar

Versus

1. Shaligram Prasad Gupta, S/o late Sri
Ram Prasad Sao, Station Master, Eastern
Railway, Headquarter Snehnagar under the
D.R.M., Eastern Railway, Mughal Sarai,
Varanasi.
2. Prescribed Authority, under the payment
of Wages Act, 1936/Assistant Labour Commissioner,
Varanasi.

..... Respondents.

C/R Sri Shyam Ji Gaur

O R D E R (ORAL)

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

The applicants, Divisional Railway Manager,
Senior Divisional Personnel Officer, and Divisional Accounts
Officer, North Eastern Railway, Mughalsarai have filed
this application under Section 19 of Administrative
Tribunals Act, 1985, challenging the award dated 20.5.94
given by the prescribed Authority under Payment of Wages
Act in P.W. case No. 43/92 Shaligram Prasad Gupta Vs.
General Manager and Oths.

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2. The brief facts of the case are that respondent No. 1 was working as Assistant Station Master (Platform) at Mughalsarai. Some of the Assistant Station Masters (Platform) were given higher grade by appointing them as Assistant Station Master (Cabin). It is contended that the respondent No. 1 was senior but he was not given the higher grade. Therefore he instituted the case before the Prescribed Authority, respondent No. 2, treating the same as deduction of his salary. The Prescribed Authority was satisfied and came to the conclusion that the present applicants had deducted an amount of Rs. 49,134.20 by not giving the salary as was given to his junior Assistant Station Masters. The equal amount of Rs. 49,134.20 was awarded as compensation. Besides, an amount of Rs. 100/- ~~was~~ ^{awarded &} as cost. Feeling aggrieved by the impugned award, the present O.A. has been preferred. The respondent No. 1 has contested the case, filed counter reply and took the plea that the Tribunal has got no jurisdiction.

3. The dispute has been settled by the Hon'ble Supreme Court in the case K.P. Gupta Vs. Comptroller Printing and Stationery AIR 1996 SC 408, wherein it was laid down that the power of appellate authority under Section 17 of Payment of Wages Act, were not taken away by Section 28 of Administrative Tribunals Act 1985. Thus it emerges that the applicants should have preferred an appeal against the award as Prescribed under Section 17 of Payment of Wages Act. In view of these facts and legal position, the present O.A. is not maintainable here. It is, therefore dismissed. No order as to cost. The stay which was granted on 3.4.95 stands vacated. The applicants if so advised may prefer an appeal under Section 17 of Payment of Wages Act.