

OPEN COURT

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
ADDITIONAL BENCH AT ALLAHABAD

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Allahabad : Dated this 9th day of September, 1996

Original Application No.274 of 1995

District : Jhansi

CORAM:-

Hon'ble Mr. S. Das Gupta, A.M.

Hon'ble Mr. T.L. Verma, J.M.

Union of India through

(i) General Manager, Central Railway, V.T. Bombay.

(ii) Divisional Railway Manager, Central Railway,
Jhansi.

(By Sri G.P. Agarwal, Advocate)

. . . . Applicant

Versus

1. Ramesh Chandra,

Son of Sri Shiv Ram R/o Village

Janapur, Distt-Etawah U.P.

2. The Prescribed Authority under the Payment
of Wages Act, 1936 at Jhansi.

(By Sri RK Nigam, Advocate)

. . . Respondents

O R D E R (O r a l)

By Hon'ble Mr. S. Das Gupta, A.M.

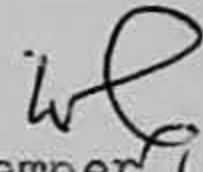
This application was filed challenging the validity of the award dated 10-11-1994 passed by the Prescribed Authority under the Payment of Wages Act. It has been prayed that the aforesaid order be set aside.

2. The pleadings in this case are complete. We have heard learned counsel for both the parties. It appears that this application came to be filed before this Tribunal without filing appeal before the District Judge. In the case of K.P. Gupta it

has been held by the Hon'ble Supreme Court that the Administrative Tribunals Act, 1985, does not ~~exist~~ ^{oust} the appellate jurisdiction of the District Judge under the payment of Wages Act. It is thus apparent that the applicant has approached this Tribunal without exhausting this statutory remedy available to him. The OA is , therefore, not maintainable, and is dismissed accordingly. The applicant, ^{if} ~~if~~ ^{so} advised, ~~may~~ ^{may} file an appeal before the appropriate forum.



Member (J)



Member (A)

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