

OPEN COURT

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD  
ADDITIONAL BENCH AT ALLAHABAD

\* \* \*

Allahabad : Dated this 17thday of September, 1996

Original Application No.394 of 1995

District: Allahabad

CORAM: -

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

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

1. Union of India through General Manager

Northern Railway, Baroda House, New Delhi.

2. Divisional Personnel Officer, N.Rly, Allahabad.

3. Divisional Commercial Officer, Supdt.

N.Rly. Allahabad.

(By Sri G.P. Agarwal, Advocate)

..... Applicant

Versus

1. Sri Mahendra Pal Singh Rajput S/o Sri Gopal  
Singh Ex-Guard N.Rly, Tundla, Jhansi,  
Etmadpur, Distt-Agra.

2. Prescribed Authority U/s 136 of the P.W. Act  
at Agra Sri Samim Ahmad Khan Up Zila Adhikari  
Itmadpur, Distt-Agra.

..... Respondents

(By Sri S.C. Verma, Advocate)

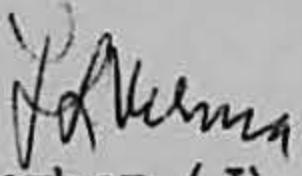
O R D E R (O\_r\_a\_l)

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

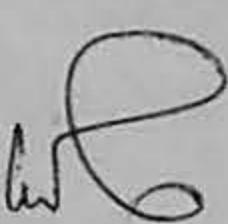
This application was filed challenging the award  
dated 10-3-1995 passed by the Prescribed Authority under  
the Payment of Wages Act. The facts averred in the OA  
discloses that this OA was filed without first  
approaching the District Judge in ~~an~~ <sup>an</sup> appellate  
jurisdiction.

WL

2. It has since been decided by the Hon'ble Supreme Court in K.P. Gupta's case that the appellate jurisdiction of the District Judge under Section 17 of the Payment of Wages Act is not ousted by any provision of the Administrative Tribunals Act, 1985. The applicant has approached this Tribunal without first exhausting the statutory remedy available to him. In view of this, the present OA is not maintainable and it is accordingly dismissed. The applicant, however, if so advised, may file an appeal before the appropriate forum.



Member (J)



Member (IA)

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