

OPEN COURT

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
ADDITIONAL BENCH AT ALLAHABAD

* * * *

Allahabad : Dated this 17th day 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, x, Advocate)

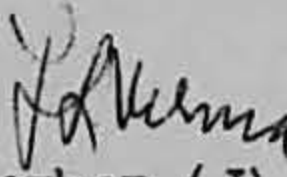
O R D E R (O_r_a_l)


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 disclose that this OA was filed without first approaching the District Judge in a ~~separate~~ *appellate* jurisdiction.

W.C.

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 (A)

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