

(15)

OPENCOURT

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
ADDITIONAL BENCH AT ALLAHABAD

* * *

Allahabad : Dated this 1st day of July, 1997

Original Application No. 402 of 1995

District : Jhansi

CORAM:-

Hon'ble Dr. R.K. Saxena, J.M.

Hon'ble Mr. S. Daval, A.M.

1. Union of India through General Manager, Central Railway, V.T. Bombay, and
2. Through Divisional Rail Manager, C. Railway, Jhansi.

(By Shri G.P. Agarwal, Advocate)

.....Applicants

Versus

1. Shri Uma Shanker Dwivedi S/o Shri Dwarika Prasad Dwivedi, Resident of Behind Bharat Factory, Jhansi U.P.
2. The Prescribed Authority (Regional Conciliation Officer/Dy. Labour Commissioner), Jhansi.

(By Shri A.K. Dave, Advocate)

..... Respondents

ORDER (Oral)

By Hon'ble Dr. R.K. Saxena, J.M.

This OA has been filed challenging the award dated 5-10-1994 in case no. 64/87 - ^{given to} Uma Shanker Dwivedi Vs. DRM Central Railway Jhansi ^{by} the prescribed Authority under the Payment of Wages Act, 1936.

2. The facts giving rise to the present OA are that Uma Shanker Dwivedi, respondent no. 1 had instituted a case before the Prescribed Authority under the Payment of Wages Act that the amount of Rs. 5,000, which was deducted by the present applicants from his salary during the period 31-12-1983 to 31-3-1986, be directed to be paid alongwith compensation of the equal amount.

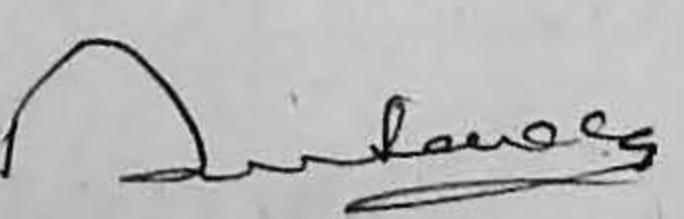
The Prescribed Authority came to the conclusion that the amount of Rs. 4995/- was deducted from the salary of the present respondent Uma Shanker Dwivedi. The award was, therefore, given directing the present applicants to pay the said amount of Rs. 4995/- towards deduction of the salary and an equal amount of Rs. 4995/- as compensation. An addition¹ amount of Rs. 100/- was further directed to be paid as expenses of the litigation. Feeling aggrieved by this award, the present OA has been preferred.

3. Respondent No. 1 contested the case and the plea of jurisdiction was also taken.

4. We have heard Shri GP Agarwal, Counsel for the applicants and Shri AK Dave, counsel for the respondents. None is present for respondent no. 2. We have also perused the record.

5. The main question for consideration in this case is whether the applicants may file this OA challenging the award given by the Prescribed Authority under Section 15 of the Payment of Wages Act. Their Lordships of the Hon'ble Supreme Court in the case of K. P. Gupta Vs. Controller of printing & Stationery, AIR 1996 S.C. 408 have decided that the appellate jurisdiction of the District Judge under Section 17 of the said Act was not taken away by Section 28 of the Administrative Tribunals, Act, 1985. It is admitted that the present applicants did not approach the Appellate Authority prescribed under the Act. We, therefore, hold the view that the present OA is not maintainable. However, if they are so advised, they may still approach the appropriate legal forum for the redressal. The stay which was granted on 2-6-1995, stands vacated.

 Member (A)

 Member (J)

Dube/