

CENTRAL ADMINISTRATIVE TRIBUNAL
ALIAHABAD BENCH,
ALIAHABAD.

Allahabad this the day 5th May 1997
ORIGINAL APPLICATION NO. 477 OF 1995

CORAM : Hon'ble Dr. R.K. Saxena, Member-J
Hon'ble Mr. D.S. Baweja, Member-A

1. Union of India through the General Manager,
Central Railway, V.T. Bombay.
2. The Divisional Railway Manager,
Central Railway, Jhansi.

..... Applicants.
(By Advocate Shri G.P. Agarwal)

Versus

1. Sri Ram Manohar, aged about 53 years,
S/o Lalla Ram, R/o Village (Simra Wali) Post Khailar,
Mohalla Subhash Nagar, Jhansi.
2. The Presiding Officer (D.L.C)
under W.C. Act, Agra Region, Agra.

..... Respondents.
(By Advocate Shri M.P. Gupta)

O R D E R (ORAL)

By Hon'ble Dr. R.K. Saxena, Member-J

1. This Original Application has been filed
to challenge the award (Annexure-A-1) given by the
Commissioner under Workmen Compensation Act on 8.2.1995.

2. It appears that the respondent no. 1 was working under the applicants. He met an accident on 8.2.1990 when he was on duty. His left index finger was crushed. Because of the negligence of the Medical Officer of the Railway Hospital, he had to remain confined in the hospital for a sufficiently long period and he was permanently disabled. He, therefore, filed claim of Rs 90,000/- for the purpose of getting the compensation before the respondent no. 2. The applicants had disputed the claim of the respondent no. 1. It was pleaded on behalf of the present applicants that neither the respondent no. 1 was disabled nor was he entitled for any compensation. It was asserted that the earning capacity of the respondent no. 1 was not impaired. The respondent no. 2 considered the case and gave impugned award on 8.2.1995, whereby the applicants were directed to pay an amount of Rs 78,235/- as compensation to the respondent no. 1; and the interest at the rate of 6% from the date of accident to the date of actual payment, was also awarded. Feeling aggrieved by this award, the present Original Application has been filed here.

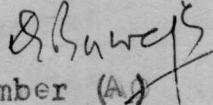
3. The respondent no. 1 contested the case on several grounds including the ground that this Tribunal has got no jurisdiction. The applicants filed rejoinder reiterating the facts which were mentioned in the Original Application.

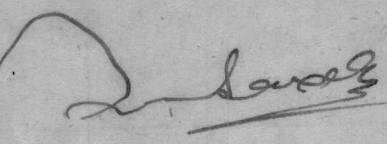
4. We have heard Shri G.P. Agarwal learned counsel for the applicant and Shri M.P. Gupta learned

counsel for the respondent no. 1 and have perused the record.

5. The main question in the case is whether this Tribunal can exercise jurisdiction ~~and interfere~~ with the award which was given by the respondent no. 2. [&] _{in the case of} Their Lordships of the Supreme Court, K.P. Gupta Versus Controller of Printing and Stationary A.I.R 1996 SC 408 had laid down that Section 28 of Administrative Tribunals Act, 1985, did not take away the jurisdiction of the functionaries created under the Labour Law. The dispute before Lordships was whether the Appellate Forum created Under Section 17 of Payment of Wages Act, was taken away ^{away} _{of} because ^{of} the enactment of Administrative Tribunals Act, 1985, and whether this Tribunal could exercise any jurisdiction. Their Lordships held the view that neither the jurisdiction of the Appellate Court created under payment of Wages Act could be taken away nor could the Administrative Tribunal exercise the power to interfere with the award. Undoubtedly, Workmen Compensation Act can be classified as Labour Law. Section 30 in this Act provides for the appeal being filed before the High Court. Thus on the analogy of the law laid down in K.P. Gupta's Case (Supra), this Tribunal cannot exercise jurisdiction. Besides, in Civil Appeal L. Chandra Kumar Versus Union of India & others decided on 18.3.1997, ^{no} _{which} was held that the Administrative Tribunal could not exercise supervisory jurisdiction Under Article 227. In this way also, we come to the conclusion that the Tribunal has got no jurisdiction to interfere with the award given by the Commissioner under Workmen Compensation

Act. We hold that the Original Application is not maintainable. It stands dismissed. If the applicants, ~~also~~ advised, they may approach the proper forum even now. No order as to costs. The stay order which was granted on 24.5.1995 stands vacated.


Member (A)


Member (J)

am/