

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 10TH DAY OF DECEMBER, 1997

Misc. Application No.4064 of 1997

In

Original Application No. 541 of 1995

HON.MR.S.DAS GUPTA, MEMBER(A)

Union of India through the General
Manager, Central Railway, V.T.
Bombay, D.R.M. Central Railway, Jhansi

... . . Applicants

Versus

1. Ambika Prasad, aged about 30 years
S/o Shri Kapoor Chand, r/o 36
Gudripura, Gornia Phatak, Jhansi
2. Arvind Kumar, aged about 26 years, son of
Shri Ganga Prasad, r/o village
Iakra, P.O. Mawai, district Allahabad.
3. Rama Shanker aged about 31 years
Son of Shri Dharmpaal, r/o village Iakra
P.O. Mawai, district Allahabad.
4. The Prescribed Authority under the
Payment of Wages Act 1936 at Jhansi.

... . . Respondents

O R D E R(oral)

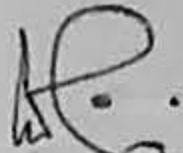
HON.MR.S.DAS GUPTA, MEMBER(A)

This application has been filed by the Union of India through D.R.M Central Railway Jhansi challenging an award given by the Prescribed Authority under the Payment of Wages Act.

2. In the case of K.P. Gupta Vs. Controller of Printing and Stationery the Hon'ble Supreme court has held that the appellate jurisdiction of the district court is not ousted by any of the provisions contained in the Administrative Tribunals Act 1985. This has also been brought out by the applicants through M.A. 4064/97.
3. As the applicants did not file an appeal before the District judge, they have not exhausted the statutory remedies available to them before filing this O.A. The OA therefore is not maintainable and is accordingly dismissed.

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4. Nothing in this order however, shall preclude the respondents from filing an appeal before the appropriate forum in accordance with law.



MEMBER(A)

Dated: 10th December, 1997

Uv/