

OPEN COURT

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
ADDITIONAL BENCH AT ALLAHABAD

* * * *

Allahabad : Dated this 8th day of January, 1997

Original Application No. 736 of 1995

District : Varanasi

CORUM:-

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

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

Union of India through :-

- (a) General Manager N.E. Railway,
Gorakhpur.
- (b) Chairman Railway Board, New Delhi.
- (c) DRM NER Varanasi.
- (d) DPO NER Varanasi.
- (By Sri G.P. Agarwal, Advocate)

. Applicants

Versus

- 1. Vindhyachal Singh,
Ex-Head T.X.R.
R/o Maunath Bhanjan Bhiti Distt.
Mau Junction.
- 2. Prescribed Authority under
The Payment of Wages Act, 1936
at (DLC) Mau.

(By Sri RP Singh, Advocate)

. Respondents

W.C.

- 2 -

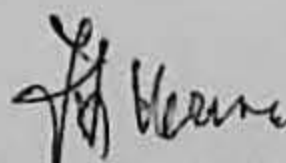
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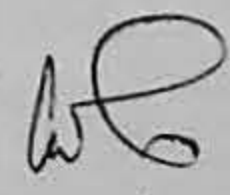
By Hon'ble Mr. S. Das Gupta, A.M.

This application was filled under Section 19 of the Administrative Tribunals Act, 1985, challenging the order dated 17-5-1995 passed by the prescribed Authority under the payment of Wages Act awarding a sum of Rs.8445/- to the applicant as deducted wages together with an equal amount as compensation plus Rs.200 as costs.

2. The present application has been filed without first filing an appeal before the District Judge. In the recent case of KP Gupta Vs. Controller of Printing and Stationery, the Hon'ble Supreme Court held that the appellate jurisdiction of the District Judge under Section 17 of the Payment of Wages Act, 1936 is not ousted by any provisions of the Administrative Act, 1985. As the applicants have not first exhausted the statutory remedy available to them, the present application is not maintainable before us.

3. In view of the foregoing, the OA is dismissed. Nothing in this order, however, shall preclude the applicants from filing an appeal before an appropriate Forum.


Member (J)


Member (A)

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