

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,  
A L L A H A B A D

Dated : Allahabad this the 29th day of Nov.1996.

Coram : Hon 'ble Mr. S. Das Gupta, Member-A  
Hon 'ble Mr. T. L. Verma, Member-J

Original Application No. 760 of 1995.

1. Union of India through the General Manager,  
Northern Railway, Baroda House, New Delhi.
2. D.R. M. Northern Railway, Allahabad.
3. Loco Foreman, Tundla N.Railway, Tundla.

...Applicants.

(Counsel for the applicant Sri G. P. Agarwal)

VERSUS

1. Shri Rameshwar Dayal Ex-Driver,  
R/o. 10/298, Pakki Sarai, Aligarh in Room No.7,  
Second Storey, Indira Market, Aligarh.
2. The Prescribed Authority under the Payment  
of Wages Act, 1936. at Aligarh.

....Respondents.

(C/R Sri O.P. Gupta)

O\_R\_D\_E\_R (Oral)

(by Hon. Mr. S. Das Gupta, Member-A)

In this case an interim order was passed  
at the admission stage. This order was challenged  
by the respondents by filing a Special Leave  
petition before the Hon 'ble Supreme Court. The

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WY

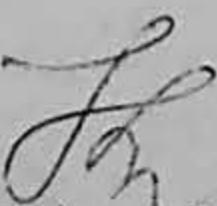
Hon'ble Supreme Court has since disposed of the S.IJ P. with the following order :-

"Leave granted.

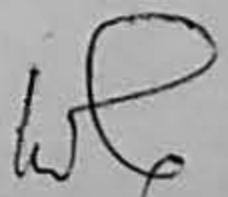
The appellant retired from service and filed a petition before the authority constituted under the Payment of Wages Act claiming certain amount which had been deducted from the salary of the appellant. The authority directed payment of the amount in question. Instead of filing appeal against that order before the appellate authority the Union of India filed a petition before the Central Administrative Tribunal which granted an interim order. Whether in the circumstances mentioned above, it was open to the Union of India to approach the Central Administrative Tribunal has been examined by this court in the case of Krishna Prasad Gupta V. Controller, Printing & Stationery, (1996) 1 SCC 69. In view of the aforesaid judgment, the appeal is allowed. The impugned order passed by the Central Administrative Tribunal is set aside."

2. It is already settled law that the appellate jurisdiction of the District Judge under the Payment of Wages Act is not ousted by the provisions of the Administrative Tribunals Act, 1985. Since the applicants have statutory remedy available to them, which they did not exhaust, this application is not maintainable before this Tribunal.

3. In view of the above, this O.A. is dismissed. Nothing in this order shall, however, preclude the applicants for approaching the appropriate forum, if so advised.

  
Member-J

(Pandey)

  
Member-A