

## CENTRAL ADMINISTRATIVE TRIBUNAL, ADDITIONAL BENCH

ALLAHABAD

DATED: THIS THE 7th DAY OF FEBRUARY, 1997

CORAM : Hon'ble Mr. S. Das Gupta AM  
 Hon'ble Mr. T. L. Verma JM  
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ORIGINAL APPLICATION NO. 72/92<sup>5</sup>

Union of India through General Manager,  
 Central Railway, Bombay VT.,  
 Jhansi. ----- Applicants

C/A Sri G. P. Agrawal

Versus

1. Sri Devi Dayal Mishra, Reviter II  
 Ticket No. 586, C & W., Jhansi.
2. Prescribed authority under Payment  
 of Wages Act 1936 at Jhansi (DLC)

C/R Sri ----- Respondents

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

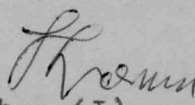
This application has been filed by Union  
 of India challenging the order dated 25.2.1993 by  
 which the authority under the Payment of wages Act awarded  
 a sum of Rs. 3716.70 <sup>as wages</sup> and Rs. 29,733 towards compensation etc  
 to the respondent no. 1.

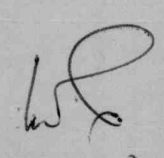


2. It is clear from the facts disclosed that the applicant had approached this Tribunal without filing appeal before the District Judge against the impugned order of the <sup>P</sup>rescribed authority.

3. The Hon'ble Supreme court has held in the case of K. P. Gupta V/s Controller of Printing and stationery that the appellate jurisdiction of the District Judge under section 17 of the payment of wages Act has not been ousted by any provision of the Administrative Tribunal's Act. It is, therefore, clear that the applicant had ~~the~~ statutory remedy available, which they did not exhaust before filing this O. A.

4. In view of this, the present O. A. is not maintainable and it is accordingly dismissed. Nothing in this order, however, shall preclude the applicants from filing an appeal, is so advised before the appropriate Forum.

  
Member (J)

  
Member (A)