

7
OPEN COURT

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

ORIGINAL APPLICATION NO. 72/95

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

ORDER

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

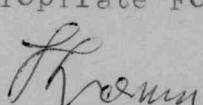
This application has been filed by Union of India challenging the order dated 25.2.1993 by which the authority under the Payment of wages Act awarded a sum of Rs.3716.70 and Rs.29,733 towards compensation etc to the respondent no. 1.

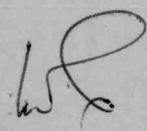
W.P.

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 Prescribed 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. Inview 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)