

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL,
ALLAHABAD BENCH
ALLAHABAD

Dated : This the 6th day of November, 1996.

Coram : Hon. Mr. S. Das Gupta, Member-A
Hon. Mr. T. L. Verma, Member-J

Original Application No. 883 of 1995.

UNION OF INDIA through

1. General Manager, Northern Railway, Baroda House, New Delhi.
2. Divisional Railway Manager, N.R.Allahabad.
3. Personnel Officer, D.R.M. Office, N.R.Allahabad
4. Mandal Abhiyanta Kanpur (D.E.N.) Line Kanpur N.R.near Loco Kanpur.

.....Applicants.

(C/A Sri G.P. AGARWAL)
Vs.

1. Sri Ram Din s/o. Sri Bidi r/o. village Basohani, Post Manjhanpur, Distt. Allahabad.
2. The Prescribed Authority, under the Payment of Wages Act, 1936 at Kanpur.

.....Respondents.

(C/R Sri S.C. BANERJEE & SRI A.P. SRIVASTAVA)

O R D E R (oral)

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

This application was filed under Section 19 of the Administrative Tribunals Act, 1985 challenging an order dated 17.1.1994 by which the respondent No.2 i.e. the Prescribed Authority under the Payment of Wages Act, 1936 had awarded to the respondent No.1 a sum of Rs. 12,237.60

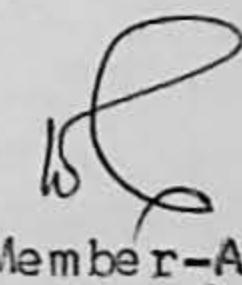
W.L.

as accrued wages together with 3 times ~~of~~ that amount as compensation.

2. We heard the learned counsel for the applicant at the stage of admission. Admittedly, the applicants have approached this Tribunal without filing an appeal before the District Judge. In a recent decision of Hon'ble Supreme Court, in the case of K. P. Gupta, it has been held that the appellate jurisdiction of the District Judge Under Section 17 of the Payment of Wages Act is not ousted by any provisions contained in Administrative Tribunals Act, 1985. The applicants therefore, had ^a ~~available to them~~ statutory remedy ~~available~~ which they did not exhaust before approaching this Tribunal.

3. In view of the foregoing this application is dismissed. Nothing in this order shall preclude the applicants for filing, if so advised, an appeal before the appropriate forum against the impugned order of the Prescribed Authority under the Payment of Wages Act.


Member-J


Member-A

(pandey)