

OPEN COURT

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
ADDITIONAL BENCH AT ALLAHABAD

Allahabad : Dated this 8th day of November, 1996

Original Application No. 934 of 1995

District : Allahabad

CORAM:-

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

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

1. Union of India, through General Manager
Northern Railway, Baroda House, New Delhi;
2. Divisional Railway Manager, Northern Railway
Divisional Railway Manager Office, Allahabad;
3. Senior Divisional Commercial Manager,
Northern Railway, Allahabad Division,
Allahabad.

(By Sri D.C. Saxena, Advocate)

.....Applicants

1. Hafizuddin Son of Sri Maziuddin
Resident of Hasan Manzil,
Attarasuiya,
Allahabad;
2. Prescribed Authority under the Payment of
Wages Act,
Allahabad.

(By Sri HB Singh, Advocate)

..... Respondents

W.C.

O R D E R (Oral)

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

This application was filed under Section 19 of the Administrative Tribunals Act, 1985, challenging the award dated 30-3-1995 by which the Authority under the Payment of Wages Act i.e. the Respondent No.1 had awarded a sum of Rs. ^{1,12,254.90 *} ~~14225.90~~ as deducted wages together with ~~three times of that~~ ^{equal *} amount as compensation to ~~the~~ ^{the} applicants.

2. When the case came up for hearing, the learned counsel for the ~~respondents~~ ^{applicants} ~~fairly~~ ^{fairly} conceded that this application has been filed without first filing the appeal before the District Judge. The Hon'ble Supreme Court has since decided in the case of K.P. Gupta that the appellate jurisdiction of the District Judge under Section 17 of the Payment of Wages Act is not ousted by any provision contained in the Administrative Tribunals Act. It is, therefore, clear that the applicant has approached this Tribunal without first exhausting the remedy available to him before the District Judge.

3. In view of the foregoing the application is dismissed. The interim order passed by this Tribunal is vacated. The amount deposited ^{if any, *} by the applicants pursuant to the earlier interim order may be withdrawn by them.

4. However, nothing in this order shall

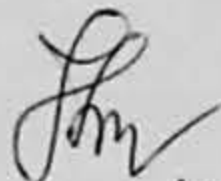
Corrected
vide order
dated 23.12.96
in the M.A. No. 2875/96
The
23/12/96

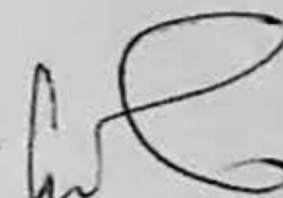
(**) Corrected
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dated 10.3.97
The
10/3/97

W.C.

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preclude the applicants from filing, if so advised,
an appeal before the appropriate forum under the
payment of Wagest Act.


Member (J)


Member (A)

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