

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

ALLAHABAD THIS THE 7th DAY OF JANUARY, 1997.

HON. MR. S. DAS GUPTA, MEMBER (A)
HON. MR. T. L. VERMA, MEMBER (J)

Original Application No.1016 of 1995.

1. Union of India through General Manager,
Northern Railway, Baroda House, New Delhi
2. D.R.M. Northern Railway, Allahabad.
3. Senior D.C.S. Northern Railway, Allahabad.
4. Asstt. Engineer (II) N.R. Engineering Office,
Old Railway Station, Kanpur.

.....Applicants.

(THROUGH COUNSEL SRI G.P. AGARWAL)

VERSUS

1. Sita Ram s/o. Sri Ram Pal, P.W.I. gang No.47,
Central Regional Workshop, Karamchari Sangh,
Central Workshop, Rawatpur, Kanpur.
2. The Prescribed Authority, under Payment of
Wages Act, 1936 Sarvodaya Nagar, Kanpur.

.....Respondents.

(THROUGH COUNSEL)

O R D E R (oral)


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

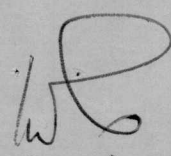
This application under Section 19 of the

Administrative Tribunals Act, 1985 was filed by the Union of India & others challenging an order dated 20.6.1995 and 29.4.1995 by which the Prescribed Authority under the Payment of Wages Act had awarded a sum Rs.1143.00 to respondent No.1 togetherwith four times ~~to~~ that amount as compensation with Rs.200/- as cost.

2. No counter-affidavit has been filed on behalf of the respondents. However, the learned counsel for the applicant fairly brought ~~out~~ to our notice that in the recent decision of Hon'ble Supreme Court in the case of K. P. Gupta Vs. Controller of Printing and Stationery reported in Judgement Today 1995(7)SC.522 it has been clearly held that the appellate jurisdiction of the District Judge under Section 17 of the Payment of Wages Act is not ousted by any provisions of the Administrative Tribunals Act, 1985. As the applicants have not exhausted the remedy available to the under the Act itself, the present application is not maintainable before us.

3. The O.A. is accordingly dismissed. Nothing in this order shall preclude the applicants from filing a petition before the appropriate forum.


Member-J


Member-A