

19/11  
(9)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JODHPUR BENCH, JODHPUR.

\* \* \*

Date of Decision: 24.1.96.

OA 275/95

Union of India and others

... Applicants.

Versus

The Commissioner, Workmen's Compensation, and others

... Respondents.

CORAM:

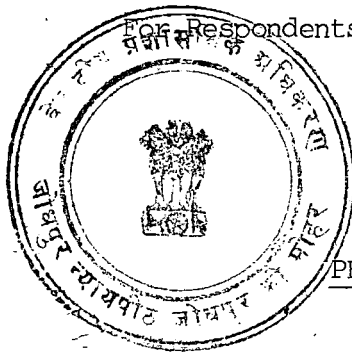
HON'BLE MR. GOPAL KRISHNA, VICE CHAIRMAN

HON'BLE MS. USHA SEN, MEMBER (A)

For the Applicants

... Mr. C.P. Parihar,  
brief holder for  
Mr. S.S. Vyas

... Mr. Shiv Kumar  
brief holder for  
Mr. J.K. Kaushik



For Respondents No.2 to 4

O R D E R

PER HON'BLE MR. GOPAL KRISHNA, VICE CHAIRMAN

Applicants, Union of India, Divisional Engineer (West), Northern Railway, Jodhpur, and Assistant Engineer, Northern Railway, Barmer, have filed this application u/s 19 of the Administrative Tribunals Act, 1985, (for short the Act), praying therein that the impugned order dated 6.4.95, at Ann.A-1, by which a sum of Rs.16852/- was awarded as a penalty and Rs.10112/- as interest @ 6% per annum from 23.1.92 to 18.4.94 to respondents No.2, 3 and 4, and the impugned order dated 7.4.95, at Ann.A-2, by which applicant No.3 was directed to deposit the aforesaid amount, be quashed.

2. We have heard Mr. C.P. Parihar, brief holder for Mr. S.S. Vyas, counsel for the applicants, and Mr. Shiv Kumar, brief holder for Mr. J.K. Kaushik, counsel for respondents No.2, 3 and 4. We have carefully perused the records. The brief holders have agreed to this matter being disposed of at the stage of admission.

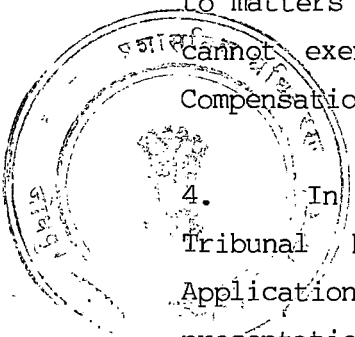
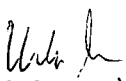
3. The impugned orders were passed by the Workmen's Compensation Commissioner, Jodhpur. The appointment of the Workmen's Compensation Commissioner is made under Section 20 of the Workmen's Compensation Act, 1923. In view of the decision rendered by the Hon'ble Supreme Court in the case of Krishan Prasad Gupta v. Controller, Printing & Stationery, reported in JT 1995 (7) SC 522, we are of the view that

C.K. Kishore

....2.

the Court of the Workmen's Compensation Commissioner, which is an authority constituted under the Workmen's Compensation Act, 1923, is covered by the connotation of the expression "corresponding law" used in Section 28 of the Act. Appeal against an order passed by the Workmen's Compensation Commissioner is provided before the High Court. Thus, appeal before the High Court is also continuation of proceedings under the Workmen's Compensation Act, on the analogy of the observation of the Hon'ble Supreme Court in Krishan Prasad Gupta case (supra) that appeal before the District Judge against award of Authority under the Payment of Wages Act is continuation of proceedings before the Authority under the Payment of Wages Act. Therefore, the jurisdiction of the High Court is not ousted in regard to matters under the Workmen's Compensation Act. Hence this Tribunal cannot exercise jurisdiction against awards etc. of the Workmen's Compensation Commissioner.

4. In view of the discussions made above, we find that this Tribunal has no jurisdiction to entertain this application. Application/papers shall be returned to the applicants for presentation before an appropriate legal forum. The interim direction issued on 12.7.95 stands discharged.

  
  
(USHA SEN)  
MEMBE (A)

  
(GOPAL KRISHNA)  
VICE CHAIRMAN

VK