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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JODHPUR BENCH, JODHPUR.

* * *

Date of Decision: 18.1.96.

OA 189/95

Union of India through the General Manager, Headquarter Office, Northern Railway, Baroda House, New Delhi.

2. Divisional Railway Manager, Northern Railway, Jodhpur.
3. Assistant Engineer, Northern Railway, Degana.

.. Applicants.

Versus

1. The Commissioner, Workmen's Compensation, Nagaur.
2. Shri Tulsi Das s/o Shri Jagdish Das, r/o Nimbola, Distt. Nagaur.

... Respondents.

CORAM:

HON'BLE MR. GOPAL KRISHNA, VICE CHAIRMAN

HON'BLE MR. O.P. SHARMA, MEMBER (A)

For the Applicants

... Mr. C.P. Parihar,
brief holder for
Mr. R.K. Soni

For Respondent No.2

... Mr. J.K. Kaushik

For Respondent No.1

... None

O R D E R

PER HON'BLE MR. GOPAL KRISHNA, VICE CHAIRMAN

Applicants, named above, have preferred this application u/s 19 of the Administrative Tribunals Act, 1985, challenging the order/award of the Commissioner for Workmen's Compensation, Nagaur, dated 3.6.94, directing the applicants to pay a sum of Rs.57794/- to respondent No.2 by way of compensation.

2. We have heard Mr. C.P. Parihar, brief holder for Mr. R.K. Soni, counsel for the applicants, and Mr. J.K. Kaushik, counsel for respondent No.2, and have perused the records of the case carefully.

3. It must be noted at the outset that 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 the Court of 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 this 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

....2.

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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.

(O.P. SHARMA)

MEMBER (A)

G. Krishna
(GOPAL KRISHNA)

VICE CHAIRMAN

VK