

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM

O. A. No. 221/90
1990

199

DATE OF DECISION 12-4-1990

Divl. Personnel Officer Applicant (s)
S. Rly.

Mrs. Sumati Dandapani Advocate for the Applicant (s)

Versus

P. N. Satheesan and others Respondent (s)

Mr. P. Sivan Pillai Advocate for the Respondent (s)
for R 1 to 3.

CORAM:

The Hon'ble Mr. S. P. Mukerji, Vice Chairman

The Hon'ble Mr. N. Dharmadan, Judicial Member

1. Whether Reporters of local papers may be allowed to see the Judgement? Yes
2. To be referred to the Reporter or not? No
3. Whether their Lordships wish to see the fair copy of the Judgement? No
4. To be circulated to all Benches of the Tribunal? No

JUDGEMENT

(Hon'ble Shri S. P. Mukerji, Vice Chairman)

We have heard the learned counsel for both the parties
dated 28.11.89
on this application in which the Interlocutory Order passed by the
competent authority under Payment of Wages Act has been challenged.
By that order deduction from the wages of the petitioners before the
competent authority had been stayed. The learned counsel for the
applicants before us has argued that by the interim order, the main
relief itself has been allowed. She has also contended that the
competent authority has no jurisdiction as the wages of the petitioners
before it was more than Rs. 1600/- per month. She has also argued
that in para 4 of the interim order the competent authority has
expressed some views by pre-judging the ^{main} issue.

2. The learned counsel for the respondents has argued that by staying the recovery from the wages, the necessity of approaching the competent authority every month for stopping the recovery has been obviated. He has also argued that the petitioners before the competent authority cannot be expected to be forced into multiple litigation as they cannot afford the same. As regards the jurisdiction he has urged that this matter can be raised before the competent authority itself.

3. Having heard the learned counsel for both the parties and gone through the documents carefully we feel that interference at this stage ^{by us} is not called for. The question of jurisdiction can be raised by the applicants before the competent authority ^{such as} ~~the~~ preliminary issue to be decided by it. We do not find any mis-carriage of justice or perverse finding in the interim order by which the recovery has been stayed during the pendency of the proceedings before the competent authority. Staying of recovery of impugned amount is a normal practice before the judicial forums ^{or} ~~forums~~ and we do not see anything unusual in the matter. In the circumstances we see no merit in the application and reject the same with

22

.3.

the direction that if the question of jurisdiction is raised before the competent authority, it may decide the same expeditiously uninfluenced by the observations made in the common order dated 28th November, 1989. There will be no order as to costs.


(N. DHARMADAN)
JUDICIAL MEMBER

12.4.90.


(S.P. MUKERJI)
VICE CHAIRMAN

12-4-90

Ksn.