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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH,

LUCKNOW.

ORIGINAL APPLICATION NO. 288 of 1990

this the 13th day of February, 1998.

HON'BLE MR D.C. VERMA, JUDICIAL MEMBER.

Chandra Shekhar Tewari, aged about 51 years, S/o Sri Deeran
Lal Tewari, R/o Village & post Ramapur, District Gonda.

Applicant.

By Advocate : Sri R.B. Pandey.

Versus.

General Manager, Ordinance Factory, Kalpi Road, Kanpur.

2. Commissioner/Prescribed Authority under Workman
Compensation Act, Kanpur Region, Kanpur.

Respondents.

By Advocate : Sri N.C. Upadhyaya for Shri U.K. Dhawan.

ORDER (O R A L)

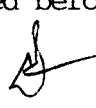
D.C. VERMA, MEMBER(J)

By this O.A., the applicant, Chandra Shekhar Tewari,
has challenged the order dated 17.7.89 of the Commissioner
for Workmen Compensation appointed under the Workmen
Compensation Act, 1923.


2. In the reply filed by the respondents and objection
has been taken that this Tribunal is not the appellate
authority against the judgment passed by the Prescribed
authority under the Workmen Compensation Act, Kanpur.

3. The learned counsel for the applicant and also the
learned counsel, who appeared for the respondents conceded
that in view of the decision of the apex court in the case of
Krishna Prasad Gupta Vs. Controller Printing &
Stationary(1995 (6) SCALE 89), this O.A. is not maintainable
before this Tribunal.

4. Section 30 of the Workmen Compensation Act 1923 provides
for appeal, but no appeal has been filed in this case,
against the order of the Commissioner appointed under the
said Act, ^{instead} O.A. has been filed before this Tribunal.



5. In view of the above, the O.A. is held to be not maintainable before this Tribunal. It will however be open for the applicant to challenge the impugned order before the competent judicial forum. The O.A. is dismissed accordingly with no order as to costs.



MEMBER(J)

LUCKNOW: DATED: 13.2.98

GIRISH/-