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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

ORIGINAL-APPLICATION-N0.1254-of-1993

DATE-OF-ORDER:-12th-February,-1997

BETWEEN:

1. The Divisional Railway Manager,
S.C.Railway, Vijayawada,
2. The Sr.Divisional Personnel Officer,
S.C.Railway, Vijayawada,
3. The Assitant Engineer,
S.C.Railway,
Bapatla.

.. APPLICANTS

AND

1. Sri J.Subba Rao, Gangman,
O/o the Asst.Engineer, S.C.Railway,
Bapatla,
2. The Presiding Officer,
Labour Court (Central),
Guntur.

.. RESPONDENTS

COUNSEL FOR THE APPLICANTS: Mr. N.R.DEVARAJ, Sr.CGSC

COUNSEL FOR THE RESPONDENTS: Mr. M.VIJAY KUMAR for R-1

CORAM:

HON'BLE SHRI R.RANGARAJAN, MEMBER (ADMN.)

HON'BLE SHRI B.S.JAI PARAMESHWAR, MEMBER (JUDL)

ORDER

ORAL ORDER (PER HON'BLE SHRI B.S.JAI PARAMESHWAR,
MEMBER (JUDL.))

Heard Mr.Satyanarayana for Mr.N.R.Devaraj, learned
senior standing counsel for the applicants. None appeared
for the respondents.

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2. In this OA the Railway Administration have challenged the order dated 15.12.92 passed by the Presiding Officer, Labour Court, Guntur in Central Miscellaneous decided the petition under Section 33 C (2) of I.D.Act.

3. The Railway Administration have to prefer an appeal against the said order before an appropriate appellate forum.

4. A similar situation came up for consideration before the Hon'ble Supreme Court of India reported in AIR 1996 SC 408 (Krishan Prasad Gupta v. Controller, Printing & Stationery). In that case, the Hon'ble Supreme Court was considering about the jurisdiction of the Administrative Tribunals against the orders passed under Payment of Wages Act. The Hon'ble Supreme Court held that the Administrative Tribunals constituted under Administrative Tribunals Act have no jurisdiction to consider the orders passed under the Payment of Wages Act. On the similar lines, we feel that the Railway Administration has to prefer an appeal against the impugned order dated 15.12.92 before the appropriate appellate judicial forum.

5. This Tribunal has no jurisdiction to entertain this OA. Hence return this OA to the applicants for being presented before an appropriate appellate judicial forum. The interim order already passed stands vacated on 12.3.1997. For the sake of record, it is noted that the OA

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O.A.NO.1254/93

Copy to:

1. Sri J.Subba Rao, Gangman,
O/O The Asst.Engineer,
South Central Railway,
Bapatla.
2. The Presiding Officer,
Labour Court,(Central)
Guntur.
3. One copy to Mr.N.R.Devraj,Sr.CGSC,
CAT,Hyderabad.
4. One copy to Mr.M.Vijaya Kumar, Advocate,
H.NO.16-11-511/2C, Dilshuknagar, Hyderabad.
5. One copy to D.R.(A), CAT, Hyderabad.
6. One copy to Library,CAT, Hyderabad.
7. The Divisional Railway Manager, South Central Railway,
Vijayawada.
8. The Senior Divisional Personnel Officer,
South Central Railway,, Vijayawada.
9. The Asst.Engineer, South Central Railway,
Bapatla.
10. One duplicate copy.

YLKR

9/2/97
TYPED BY
COMPARED BY
CHECKED BY
APPROVED BY

THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH: HYDERABAD

THE HON'BLE SHRI R.RANGARAJAN: M(A)

AND

THE HON'BLE SHRI B.S.SHRI PARAMESHWAR:
M(J)

DATED: 14/4/97

Order/Judgement
R.P/C.P, M.A. NO.

in
O.A. NO. 1254/93

ADMITTED AND INTERIM DIRECTIONS ISSUED
ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

DISMISSED FOR DEFAULT

ORDERED/REJECTED

NO ORDER AS TO COSTS.

II COURT

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pl. more info to the department
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केन्द्रीय प्रशासनिक अधिकार
Central Administrative Tribunal
DESPATCH

20 FEB 1997
HYDERABAD BENCH

HYDERABAD BENCH