

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

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D.A. 36/93.

Dt. of Decision : 04-12-95.

1. The Union of India, Rep. by  
the General Manager, SE Rly,  
Garden Reach, Calcutta-43.
2. The Chief Personnel Officer,  
SE Rly, Garden Reach,  
Calcutta-43.
3. The Divl. Rly., Manager, (PERSONNEL),  
SE Rly, Visakhapatnam.

.. Applicants.

Vs

1. P.V. Mathews
2. The Authority Under Section  
15 of the Payment of Wages Act  
(Asst. Commissioner of Labour),  
Visakhapatnam.

.. Respondents.

Counsel for the Applicants

: Mr. N.R. Devaraj, Sr. CGSC.

Counsel for the Respondents

: Mr. K.K. CHAKRAVORTHY,

CORAM:

THE HON'BLE SHRI JUSTICE V. NEELADRI RAO : VICE CHAIRMAN

THE HON'BLE SHRI R. RANGARAJAN : MEMBER (ADMN.)



ORDER

As per Hon'ble Shri Justice V. Neeladri Rao, Vice Chairman

Heard Shri N.R. Devraj, learned counsel for the applicants and Shri K.K. Chakravorthy, learned counsel for the respondents.

2. The order dated 9.9.1991 in P.W.No.3/89 on the file of the Authority under Payment of Wages & Act (Assistant Commissioner of Labour, Visakhapatnam) is challenged by the applicants in this OA who are the respondents in P.W.3/89.

3. Section 17 of the Payment of Wages Act states that Appeal lies in the Court of District Judge as against the order of the Authority under Payment of Wages Act.

4. The Chandigarh Bench of this Tribunal held in Union of India Vs Sarup Chand Singla (reported in 1989(1)ASLJ 491(CAT) that, since the District Judge is a Court within the meaning of Section 14(1) as also Section 28 of the <sup>A.T</sup> Act, it is left with no jurisdiction to hear and decide the appeals pending before it on and <sup>administrative</sup> from the date on which the Tribunals were established and hence, power and authority of all courts stood transferred to the Tribunal. Thus, the appeals filed under Section 17 of the Payment of Wages Act in the Courts of District Judge stood transferred to the Tribunals constituted under the AT Act. Probably in <sup>view</sup> that of the said Judgement of the Full Bench, this application under Section 19 of the AT Act was filed against the order of the Authority under Payment of Wages Act without preferring an appeal under Section 17 of the Payment of Wages Act.

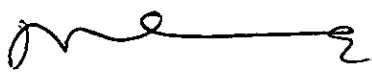


5. The Apex ~~Court~~ Court held in the case of Krishna Prasad Gupta Vs Controller, Printing & Stationery (reported in 1995(6) SCALE 89) that, in spite of Section 14 of the Act, the jurisdiction of the authorities constituted under Payment of Wages Act remains unaffected. Thus, the Court of the District Judge is having power and jurisdiction to hear the appeals against the order of the Authority under Payment of Wages Act.

6. It is well-established that power under Article 226 is <sup>not</sup> generally exercised when there is a statutory right of appeal. As Section 17 of the Payment of Wages Act provides for Statutory Appeal as against the order of the Authority under Payment of Wages Act, we feel it just and proper to return this application for preferring the appeal <sup>before</sup> under the proper forum.

7. Return the OA for preferring an appeal in the proper forum.

8. OA is ordered accordingly. No costs.//

  
(R. RANGARAJAN)  
Member (Admn)

  
(V. NEELADRI RAO)  
Vice-Chairman

Dated: The 4th December, 1995

Dictated in the Open Court Deputy Registrar CC

To mvl

1. The General Manager, S.E.Rly, Union of India, Garden Reach, Calcutta-43.
2. The Chief Personnel Officer, S.E.Rly, Garden Reach, Calcutta-43.
3. The Divisional Railway Manager (Personnel) SERly, Visakhapatnam.
4. The Authority Under Section 15 of the Payment ~~Act~~ of Wages Act, (Asst. Commissioner of Labour), Visakhapatnam.
5. One copy to Mr. N.R. Devraj, Sr. CGSC. CAT. Hyd.
6. One copy to Mr. K.K. Chakravarthy, Advocate, CAT. Hyd.
7. One spare copy.
8. One copy to Library, CAT. Hyd.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE V. NEELADRISAI  
VICE CHAIRMAN

AND

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

DATED: 6-12-1995

ORDER/JUDGMENT

M.A./R.A./C.A.No.

in

O.A.No.

36/93

T.A.No.

(W.P.No.)

Admitted and Interim directions  
Issued.

Allowed.

OA returned

Disposed of with directions.

Dismissed.

Dismissed as withdrawn.

Dismissed for default.

Ordered/Rejected.

No order as to costs.

pvm.