

Court No. - 2

Case :- SPECIAL APPEAL DEFECTIVE No. - 257 of 2024

Appellant :- Divisional Personal Officer Northern Railway Hazratganj Lko. And Others

Respondent :- Akhilesh Narayan Tripathi And Others

Counsel for Appellant :- Raj Kumar Singh

Counsel for Respondent :- Vivek Tripathi, C.S.C.

Hon'ble Rajan Roy, J.

Hon'ble Om Prakash Shukla, J.

1. Heard.

2. This appeal filed under Chapter VIII Rule 5 of the High Court Rules challenging the judgment dated 12.01.2024 passed in Writ- C No.1002012 of 2012 by the Writ Court is not maintainable in view of the fact that before the Writ Court challenge was to an order dated 04.05.2011 passed by the Prescribed Authority under the Payment of Wages Act, 1936. Therefore, the subject matter falls within the exclusionary category mentioned in Chapter VIII Rule 5 of High Court Rules as the said Act 1936 is referable to entry No.22 in the concurrent list.

3. On being confronted, learned Counsel for the appellant fairly submitted that in fact it appears to be true.

4. The appeal is accordingly **dismissed as not maintainable**. As the appeal itself is not maintainable, therefore, there is no question of condoning the delay in filing the appeal. The same is also rejected as not maintainable.

(Om Prakash Shukla, J.) (Rajan Roy, J.)

Order Date :- 9.5.2024

Anand Sri./-