

The Manager, the Spring Mills, Ltd. Vs. G.D. Ambekar

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SooperKanoon Citation : sooperkanoon.com/337561

Court : Mumbai

Decided On : Nov-14-1947

Reported in : (1949)51BOMLR148

Judge : Rajadhyaksha and; Jahagirdar, JJ.

Appeal No. : Civil Revision Application No. 465 of 1946

Appellant : The Manager, the Spring Mills, Ltd.

Respondent : G.D. Ambekar

Disposition : Appeal dismissed

Judgement :

Rajadhyaksha, J.

1. This civil revision application raises an important question of jurisdiction of this Court to revise under Section 115 of the Civil Procedure Code a decision of the 'Authority' under the Payment of Wages Act. The applicant is a manager of the Spring Mills, Limited, and as such responsible for the payment of wages to the employees of his Mills. In the year 1945 the Mills used to work overtime, and certain of its employees did overtime for which they were paid by the applicant the amount of remuneration according to Section 47 of the Factories Act, which provides that where a worker in any factory works for more than 60 hours in a

week or where a worker in a factory other than a seasonal factory works for more than 10 hours in a day, he shall be entitled in respect of the overtime worked to pay at the rate of 1 1/2 times the ordinary rates of pay. By Sub-section (2) of that section it is further provided that where a worker in a factory other than a seasonal factory works for more hours in a week than are permitted under Section 34, he shall be entitled in respect of the overtime work, excluding any overtime in respect of which he is entitled to extra pay under Sub-section (1), to pay at the rate of 1 1/2 times his ordinary rate of pay. The present opponent No. 1, who is a Secretary of the Rashtriya Gimi Kamgar Sangh, and a person authorised to act under Sub-section (2) of Section 15 of the Payment of Wages Act, made an application in the Court of the Authority appointed under Section 15 of that Act for the city of Bombay (Application No. 15 of 1946), on behalf of about 28 employees in the Mills. In this application it was alleged that the present applicant illegally deducted dearness allowance in computing the overtime allowance to be paid to such employees for the periods mentioned, namely from August 1, 1945, to November 30, 1945. Notices were issued to the applicant calling upon him to appear at the hearing before the said Authority on a day fixed in the notice. The matter came up for hearing before the Authority and by its order dated July 9, 1945, the Authority decided against the applicant and directed him to pay the amount of Rs. 218-9-4 to the said employees on the ground that in computing the remuneration for the overtime worked by the employees between August 1945 and November 1945 the applicant had not taken into consideration and given to such employees dearness allowance at the appropriate rate or at any rate whatever. It is against that order of the Authority that the present application has been filed in revision.

2. After the present application was filed, the Authority appointed under the Payment of Wages Act was joined as opponent No. 2. In the prayer clause a writ of certiorari was asked for against the second opponent calling upon it to send to this Court the records of the said case for the purpose of inquiring into the legality of the order passed by it. When the application came up for hearing, it was realised that an application for a writ of certiorari must, in view of the recent Privy Council decision, lie on the Original Side of this Court. Sir Jamshedji Kanga, therefore, submitted that the name of the second opponent against whom a writ of certiorari was asked for may be deleted and that the present applicant was willing

to pay its costs. We, therefore, direct that the name of opponent No. 2 may be removed, and the application against it for a writ of certiorari stand dismissed with costs.

3. The present application, therefore, proceeds only as against opponent No. 1 and this Court is called upon in exercise of its revisional jurisdiction under Section 115 of the Civil Procedure Code, to revise the order passed by the Authority under the Payment of Wages Act.

4. Mr. Shantilal Shah on behalf of opponent No. 1 has raised a preliminary objection that no revision is competent because the decision of the Authority making that order is not subject to the revisional jurisdiction of this Court.

5. In considering this question, whether the Authority appointed under the Payment of Wages Act is a Court subject to the revisional jurisdiction of the High Court, it is necessary to consider some of the important provisions of the Payment of Wages Act. It is enacted by Section 15(1) of the Act that 'the Provincial Government may, by notification in the Official Gazette, appoint any Commissioner for Workmen's Compensation or other officer with experience as a Judge of a civil Court or as a stipendiary Magistrate to be the Authority to hear and decide for any specific area all claims arising out of deductions from the wages, or delay in payment of the wages, of persons employed or paid in that area. 'Sub-section (3) of Section 15 says that 'when any application has been made by any person that an illegal deduction has been made by the employer from his wages, the Authority shall hear the applicant and the employer and after such further inquiry (if any) as may be necessary, may, without prejudice to any other penalty to which such employer or other person is liable under the Act, direct the refund to the employed person of the amount deducted together with the payment of such compensation as the authority may think fit.' Sub-section (4) of the same section lays down that 'if the Authority hearing an application is satisfied that the application was malicious or vexatious, the Authority may direct that a penalty not exceeding fifty rupees be paid to the employer. Sub-section (5) is to the effect that

any amount directed to be paid under Section 15 may be recovered-

(a) if the Authority is a Magistrate, by the Authority as if it were a fine imposed by him as Magistrate,

(b) if the Authority is not a Magistrate, by any Magistrate to whom the Authority makes application in this behalf, as if it were a fine imposed by such Magistrate.

By Section 17 the employer has been given a right of appeal if the total sum directed to be paid by way of wages and compensation by him exceeds Its. 300. The employee, however, has been given a right of appeal to the District Court if the total amount of wages claimed to have been withheld from him exceeds Rs. 50. Sub-section (2) of Section 17 says that 'save as provided above, any direction made by the Authority shall be final.'

6. Section 18 lays down that

every Authority shall have the powers of a civil Court under the Code of Civil Procedure, 1908, for the purpose of taking evidence and of enforcing the attendance of witnesses and compelling the production of documents, and every such Authority shall be deemed to be a civil Court for all purposes of Section 195 and of Ch. XXXV of the Code of Criminal Procedure, 1808.

7. Section 22 enacts that 'no Court shall entertain any suit for the recovery of wages or of any deduction from wages in so far as the sum so claimed forms the subject-matter of an application under Section 15 of the Act.'

8. The Provincial Government has been given power to make rules to regulate the procedure to be followed by the Authority under Section 15 of the Act. The rules so framed prescribe forms of application to the Authority and for authorisation to act on behalf of the employed person. They also lay down rules for presentation of documents, refusal to entertain applications and for appearance of parties. The record of the proceedings is to be maintained in form F and Rule 11 says that 'in exercising the powers of a civil Court conferred by Section 18 the Authority shall be guided in respect of procedure by the relevant orders of the first Schedule of the Code of Civil Procedure, 1908, with such alterations as the Authority may find necessary, not affecting their substance, for adapting them to the matter before

him.' The Forms appended to the Rules refer 'to the Court of the Authority appointed under the Payment of Wages Act (IV of 1936).'

9. If the matter were *res Integra*, we should have been inclined, on the construction of the relevant sections themselves, to hold that the authority is not a Court of civil judicature within the meaning of Section 115 of the Civil Procedure Code. The word 'Court' is not defined in the Payment of Wages Act, and the only definition of a 'Court,' of general application, is to be found in Section 3 of the Indian Evidence Act. That definition says that it includes all Judges and Magistrates or persons, except arbitrators, legally authorised to take evidence. But it has been held in *Queen-Empress v. Tulja* I.L.R.(1887) 12 Bom. 36 that 'that definition was framed only for the purpose of the Act itself and should not be extended beyond its legitimate scope.' The mere fact that the Act and the Rules enjoin upon the Authority to follow, as nearly as possible, the procedure of a Court of civil jurisdiction does not, in our opinion, make that Authority a Court. As pointed out in Volume VIII of Halsbury's 'Laws of England' at page 526 :-

There are tribunals with many of the trappings of a Court which nevertheless, are not Courts in the sense of exercising judicial power. A tribunal is not necessarily a Court in the strict sense of exercising judicial power because it gives a final decision; hears witnesses on oath; two or more contending parties appear before it...it gives decisions which affect the rights of the subjects; there is an appeal to a Court;

Section 115 of the Civil Procedure Code refers to a Court, and from the preamble of the Code it would appear that the Court there contemplated is a Court of civil judicature. Sir Jamshedji Kanga referred to the fact that Court-fees were levied in the applications made before the Authority and that in the forms prescribed under the Rules the expression 'In the Court of the Authority' appears. In our opinion, these two tests are not necessarily conclusive. There are many authorities for the filing of applications before whom Court-fees are required to be paid under the Court-fees Act. The mere use of the word 'Court' would not make that tribunal a Court of the civil judicature. For example, there are Courts of University, there are Labour Courts and there is an Industrial Court. They are undoubtedly Courts in so

far as they exercise some kind of judicial function, but it has nowhere been held that merely because they are styled as Courts, they are Courts of civil judicature so as to attract the application of Section 115 of the Civil Procedure Code. So far, the decisions of the Industrial Court have been sought to be challenged not by way of revision applications but only by writs of certiorari on the Original Side of this Court.

10. It is also necessary to realise what the scope and purpose of the Act is. Before the enactment of the Payment of Wages Act, all suits now made cognisable by the Authority had to be filed in ordinary civil Courts. Under Section 22 of the Payment of Wages Act the ordinary jurisdiction of the civil Courts is ousted and special tribunals are created and, therefore, the section draws a clear distinction between an Authority and ordinary civil Courts. The Payment of Wages Act does not create any new rights but merely creates special tribunals for special class of people. It applies, in the first instance, to the payment of wages to persons employed in any factory and to persons employed (otherwise than in a factory) upon any railway by a railway administration. [See Section 1(4)]. Similarly under Sub-section (6) of Section 1 'nothing in the Act shall apply to wages payable in respect of a wage period, which over such wage-period, average two hundred rupees a month or more.' For those who do not come within the scope of these provisions, the ordinary remedy of applying to the civil Courts remains. In this view the Authority must be regarded as something different from ordinary Courts of civil judicature.

11. In our opinion, the provisions of Section 18 and Section 22 make it clear that the Authority cannot be regarded as a Court of civil judicature. Section 18 lays down that 'every Authority appointed under Sub-section (1) of Section 15 shall have all the powers of a civil Court under the Code of Civil Procedure, 1908, for the purpose of taking evidence and of enforcing the attendance of witnesses and compelling the production of document.' If the Authority were a civil Court, it would hardly have been necessary to enact that for certain purposes only it should have the powers of a civil Court. The second provision in the same section, viz. that 'every such Authority shall be deemed to be a civil Court for all the purposes of Section 195 and of Chapter XXXV of the Code of Criminal Procedure, 1898,' again emphasises the same fact. For these purposes although it is not a civil Court in the

ordinary sense of the term, it is to be deemed to be a civil Court. Somewhat similar provisions came up for consideration before Mr. Justice Chagla in *People's Own Provi. & Gen. Ins. Co. v. Guracharya* : AIR1946 Bom200 . The learned Judge had there to consider the powers of Debt Adjustment Board under the Bombay Agricultural Debtors' Relief Act. Section 7 of that Act provided that the Board shall have the same powers as are vested in civil Courts under the Code of Civil Procedure, and reliance was placed on this provision for asking the Court to hold that the Debt Adjustment Board was a Court within the meaning of the Civil Procedure Code so as to attract the revisional jurisdiction of this Court under Section 115 of the Civil Procedure Code. The learned Judge observed as follows (p. 853):-

The very fact that the Legislature had to vest the Board with powers which a civil Court possesses goes to show that the Board is not a Court. The fact that similar powers which a civil Court possesses are given to this Board by the statute does not constitute it a Court.

With respect we are in agreement with the view of the learned Judge. Similarly Section 22 makes it clear that there is a distinction between the applications made before an Authority and suits ordinarily filed before a civil Court. In our opinion, therefore, it must be held that the Authority is not a Court of civil judicature within the meaning of Section 115 of the Civil Procedure Code.

12. Our attention has been invited to a decision of a full bench of the Lahore High Court in *Works Manager, Carriage and Wagon Shops, Moghalpura v. Hashmat* I.L.R. [1945] Lah. where this very point came up for consideration, and it was held by the full bench that 'the Authority appointed under Section 15 of the Payment of Wages Act must be regarded as a civil Court and as such a Court subordinate to the High Court within the purview of Section 115 of the Civil Procedure Code.' The learned Judges who decided that application, apart from considering the question on its merits, were, to some extent, influenced by a full bench decision of the Patna High Court in *Musammat Dirji v. Srimati Goalin* I.L.R.(1940) Pat. 373 . It is, therefore, necessary to consider the implications arising out of the full bench decision of the Patna High Court. The case that the Patna High Court had to

consider was a case arising under the Workmen's Compensation Act, 1923, and the learned Judges held that 'the Commissioner appointed under the Workmen's Compensation Act was a Court.' They held that the Commissioner under the Act constituted an independent tribunal, that his function was to judge and decide and not merely to inquire and advise and that in judging or deciding the matters before him he had to proceed judicially and not arbitrarily. In short he satisfied all the main tests which one had to apply for determining whether a tribunal was a Court or not. According to the learned Judges 'the question which has to be asked in such cases is whether the person so designated has been invested with the powers as a Court or otherwise. If he is invested with the powers as a Court, the necessary implication is that the jurisdiction of the Court is enlarged and its decision is subject to all the incidents of such jurisdiction. If the powers are conferred on him not as a Court, he is a mere persona designata and his decision will not be subject to the incidents of such jurisdiction as the Court ordinarily exercises.' They further held that 'there was no antithesis between the expressions 'persona designata and 'Court' and that in other words even a persona designata may be a Court. Whether he is a Court or not depends upon his powers and the functions which he has to discharge.' This view of the Patna High Court is in direct conflict with the view of our own High Court in *Trustees of the Port of Bombay v. Bhima Raoji* (1927) Civil Revn. Appln No. 255 of 1926, decided by Fawcett and Patkar JJ. On January 11, 1927 (Unrep). That was a decision given so long ago as January 11, 1927, by Mr. Justice Fawcett and Mr. Justice Patkar. In a short judgment they stated;

We think it is clear that the Commissioner under the Workmen's Compensation Act, VIII of 192H, is not a Court within the meaning of Section 115, Civil Procedure Code. Sir Thomas Strangman for the applicant has frankly conceded that this is so, and has drawn our attention to the provisions which support that position. In particular those of Sub-section (2) of Section 19 and Sections 28 and 27 seem to me practically conclusive on the point.

This decision of the division bench is binding on us. Similar view was taken by a division bench of the Chief Court of Sind in *Century Flour Mills, Shikarpur v. Amir Baksh* A.I.R[1937] . Sind 6 . The learned Judges held that:

Section 115, Civil Procedure Code, related only to the records of cases decided by Courts subordinate to the High Court and that the Commissioner under the Workmen's Compensation Act was not a subordinate Court for the purposes of Section 115. The effect of the amendment of the Workmen's Compensation Act by Act V of 1929 was not to make the Commissioner a subordinate Court for the purpose of Section 115. He was deemed to be a Court only for the limited purposes set out in Section 23 of the Workmen's Compensation Act.

These observations apply with equal force in considering whether the Authority under the Payment of Wages Act is to be deemed a Court or not.

13. Moreover, it would not altogether be safe to apply the decisions with respect to the Workmen's Compensation Act to the construction, of a statute like the Payment of Wages Act. It is true that the Lahore High Court in the full bench case referred to above says that the comparison of the provisions of the Payment of Wages Act with the provisions of the Workmen's Compensation Act, 1923, makes it clear that the provisions of the two Acts are almost identical in character. With respect we think it necessary to point out that there are at least two points in which the provisions differ. The Workmen's Compensation Act created new rights and established special tribunals. Before the enactment of the Workmen's Compensation Act there were various defences open to the employer such as contributory negligence on the part of the employee, the doctrine of common employment and the principle of *volenti non fit injuria*. Under the Workmen's Compensation Act such defences were made invalid. The Payment of Wages Act, on the other hand, creates no new rights but establishes special tribunals for special classes of cases and it may be that the special rights given under the Workmen's Compensation Act may make it necessary to hold that there was revisional jurisdiction in the High Court over the orders of the Commissioner. Secondly, the Workmen's Compensation Act provides an appeal to the High Court in certain cases while there is no such appeal provided under the Payment of Wages Act. Thirdly, a Commissioner for Workmen's Compensation can submit a case to the High Court while there is no such provision under the Payment of Wages Act.

14. Coming next to the full bench case of the Lahore High Court in *Works Manager, Carriage and Wagons Shops, Moghalpura, v. Hashmat* I.L.R(1945) Lah. 1. the first argument that weighed with their Lordships was that the Authority had all the attributes of a civil Court. Abdul Hashid, Acting Chief Justice, observed as follows (p. 13) :-

One of the fundamental tests whether a certain Tribunal is a Court or is not so is whether it exercises jurisdiction by reason of the sanction of the law or whether jurisdiction is given to it by the voluntary submission of the parties to a dispute.

The test so adopted merely draws a distinction between such tribunal as an arbitrator to whom there is a voluntary submission of the parties and other tribunals created by law. If this test were adopted, all tribunals created by law must necessarily be regarded as Courts. In election matters whenever there is a dispute, the matter is under law decided by such a tribunal as a District Judge or a Judge of the Small Causes Court, and it has been held in numerous cases by our High Court that a District Judge or a Small Cause Court Judge deciding an election dispute is not a Court. It cannot, therefore, be said to be an invariable rule that every tribunal created by Legislature and exercising the Sovereign's power to decide a dispute between the subject is necessarily a Court within the meaning of Section 115 of the Civil Procedure Code.

15. Another test which was applied by the full bench was whether the tribunal takes cognisance of a lis and whether in exercising its functions it proceeds in a judicial manner. Most tribunals created by statutes have got to proceed in a judicial manner, observe the principles of natural justice and decide cases in accordance with law or justice, equity and good conscience. Merely because most tribunals proceed on these principles, it does not necessarily follow that they become Courts of civil judicature so as to come within the purview of Section 115 of the Civil Procedure Code. We have already referred to a passage in Halsbury's 'Laws of England' from which it would appear that there are many tribunals which have the trappings of a Court but are nevertheless not Courts in the sense of exercising judicial power. As we have stated above and as was held by Mr. Justice Chagla in *People's Own Provident and General Insurance Co. v. Guracharya*, the fact that

powers similar to the powers of a civil Court are given by a statute does not constitute that tribunal a Court.

16. The third argument that weighed with the learned Judges constituting the full bench was that under Section 17 of the Act if the compensation awarded by the Authority exceeds Rs. 300 the employer can prefer an appeal before the District Court, and if the total amount of wages deducted from the employee exceeds Rs. 50 he can also prefer an appeal to the District Court. The learned Judges thought that it was clear from these provisions that if the amounts are above Rs. 300 and Rs. 50 respectively, the Authority should be regarded as subordinate to the District Court and they considered it 'anomalous if it were held that if the Court directs the employer to pay a sum of Rs. 300 to the employee, the Authority is a Court, but that if the Authority directs the payment of a sum of Rs. 299 it is not a Court and that neither the District Court nor the High Court has power to correct the grossest abuse of authority and procedure if the amount awarded is Rs. 299.' With respect we do not think that this argument is sufficient to constitute the Authority a Court. The Authority does not become a Court subordinate to the District Court merely because an appeal is provided from its decisions to the District Court, When the High Court entertains an application against the decision of a District Court in appeal from a decision of the Authority, the High Court exercises revisional jurisdiction over the District Court. There is no question of depriving the High Court of revisional jurisdiction to correct the grossest abuse of authority by limiting the amount awarded to Rs. 299. A line has to be drawn at some point beyond which there can be an appeal to the District Court and below which no appeal lies.

17. The last argument which was upheld by the full bench of the Patna High Court and which appealed to the learned Judges constituting the full bench of the Lahore High Court was that there was no antithesis between *persona designata* and Court. We ourselves should have been inclined to the view that the expression *persona designata* would suggest that the Authority which is so designated is not a Court. But our view is strengthened by a decision of a division bench of this Court in *Sholapur Municipality v. Tuljaram Krishnasa* I.L.R. (1931) 55 Bom. 544. Mr. Justice Patkar at page 552 of the Report draws a distinction between a Court and a *persona designata*. The conclusion at which he arrives is :

It appears, therefore, that where a Judge or the presiding officer of a Court as distinguished from the Court itself is directed to perform any function of an authority created by a statute such a Judge may be considered as a *persona designata* and not a Court, but where a civil Court subordinate to the High Court is constituted an authority to decide the rights between the parties and is directed to perform judicial functions, it is difficult to hold that such a Court is a *persona designata* and not a Court subordinate to the High Court.

If Mr. Justice Patkar was prepared to hold that if a presiding officer of a Court was a *persona designata* and not a 'Court' if he was directed to perform any function of an authority created by a statute, it would follow that the reasoning would apply with even greater force when the Authority which is directed to perform judicial functions is not the presiding officer of a Court at all but an independently created tribunal.

18. Apart from the decision of the full bench of the Lahore High Court, the point came up for a direct decision in three cases of the Nagpur High Court. In *Turabali v. Sorabji* [1944] Nag. 531. Mr. Justice Bose held that 'the authority appointed by the Provincial Government under Section 15(1) of the Payment of Wages Act to settle claims under the Act was a *persona designata* and not a civil Court subordinate to the High Court within the meaning of Section 115 of the Civil Procedure Code.' He held therefore that 'the High Court had no jurisdiction to entertain a revision against a decision of such an Authority.' With respect we are in agreement with the view expressed by the learned Judge. A similar question arose before the same Court two months later and Mr. Justice Bobde held in *Shrinivas v. Superintendent, Government Printing, Nagpur* [1944] Nag. 540 that 'the word 'final' in Section 17(2) of the Payment of Wages Act means that an appeal will not lie as provided by Section 17(1) of the Act, and that it does not prohibit an application for revision under Section 115 of the Civil Procedure Code.' The view of the learned Judge that the word 'final' in Section 17(2) merely precludes an appeal has the support of many decisions of both this High Court and other High Courts. But the question whether the Authority was a Court at all does not appear to have been argued before the learned Judge and in any case, the direct authority of the earlier decision of Mr. Justice Bose does not appear to have been brought to the notice of

the learned Judge. In *Dehidutt v. C. I, Electrical Supply Co.* A.I.R.[1945] Nag. 244. Mr. Justice Sen noticed the conflict between the two earlier decisions of the same Court referred to above and stated that 'if it had been necessary for him to reconsider those cases, he would have referred the matter to the Honourable the Chief Justice for constituting a division bench to resolve the conflict'; but the matter before him, however, came on a revision application against the appellate authority, which in that case was the District Judge, and there was no dispute nor can there be any, that the High Court has revisional jurisdiction against the order of the District Court functioning as a Court and not as a *persona designata*.

19. Sir Jamshedji Kanga referred us to three decisions of this Court in which this Court entertained applications in revision under the Payment of Wages Act. But if those cases are examined, it would appear that the applications in revision were in respect of the orders passed by the District Court or the Small Causes Court. In *Dixit v. Senior Inspector of Factories* : AIR1940 Bom87 the delayed wages were awarded by the Magistrate functioning as the Authority, and this order was confirmed by the District Judge. It was against the order of the District Judge that an application was entertained in revision by this Court. No question of the jurisdiction of this Court to entertain revision applications against the order of the Authority was raised, as the order sought to be revised was the District Judge's order. In *Arvind Mills, Ltd. v. Gadgil* : AIR1941 Bom26 again the application entertained by this Court was against the order of the Assistant Judge functioning as an appellate Court over the decisions of the Authority under the Payment of Wages Act, which in that case was the City Magistrate of Ahmedabad. Obviously a revision application lay over the decision of the Assistant Judge and no question arose about the entertainment of a revision application against the decision of the Authority itself. And, lastly, in *Chimanlal v. Inspector of Factories* [1922] A.I.R. Bom. 273 applications were filed against the decision of the Assistant Judge who had decided appeals against the Authority under the Payment of Wages Act, which in that case was the Court of the Additional District Magistrate, Ahmedabad. Mr. Justice Divatia held that no appeals lay against the decisions of the Assistant Judge and allowed the actual appeals that were filed to be converted into revision applications, although in deciding those revision applications he did go into the question whether the Magistrate functioning as an Authority had jurisdiction to

entertain those applications for the payment of compensation alone. In any case, the question whether the High Court could entertain any direct revision application against the decision of the authority under the Payment of Wages Act was never argued and in form at least he was considering revision applications against the orders of the Assistant Judge. No authority has been cited to us which holds that the High Court can entertain revision applications direct from the decisions of the Authority under the Payment of Wages Act. As was pointed out by Mr. Justice Chagla in *People's Own Provident and General Insurance Co. v. Guracharya*, the fact that the Act permits appeals to the District Court would give revisional powers to the High Court when the District Court decides the appeal; but the mere fact that a statute provides an appeal to a Court from a particular body does not necessarily make that body a Court. With respect we are in agreement with this view, although that view was expressed with reference to a similar provision under the Bombay Agricultural Debtors' Relief Act.

20. For all these reasons we are of opinion that the Authority under the Payment of Wages Act is not a Court within the meaning of Section 115 of the Civil Procedure Code and that therefore this Court has no revisional jurisdiction over the orders of that Authority. The application is therefore dismissed and the rule discharged with costs.