

CENTRAL ADMINISTRATIVE TRIBUNAL:PRINCIPAL BENCH

OA.No.1578 of 2000

New Delhi, this 16th day of April 2001

HON'BLE SHRI M.P.SINGH, MEMBER(A)

(9)

M.N.Sharma  
S/o Late Shri I.N.Sharma  
C/o Shri P.N.Arya  
R/o 54/4 Moti Bagh  
New Delhi

... Applicant

(By Advocate:Shri G.S.Chaman and  
Shri H.K.Gupta)

versus

1. The Director General  
Council of Scientific and  
Industrial Research  
Rafi Marg  
New Delhi

2. The Director  
Indian Institute of Petroleum  
P.O. Mohkampur  
Dehradun

... Respondents

(By Advocate: Shri Rakesh Garg)

ORDER(Oral)

The applicant has filed this OA under Section 19 of the Administrative Tribunals Act, 1985 and sought direction to quash the impugned orders dated 20.9.1999 and 8.10.1999. He has also sought direction to the respondents to pay him capitalised value of extra-ordinary pension amounting to Rs.57,713/- as per recommendations of the committee set up to decide compensation and as reiterated by Director, Indian Institute of Petroleum (IIP, for short), Dehradun vide his D.O. letter dated 20/24-9-1999 with interest at the rate of 18% p.a. thereon.



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2. The brief facts of the case, as stated by the applicant, are that on 25.8.1987 when the applicant was holding the post of Technical Grade-VI in IIP, Dehradun, met with an accident ~~accident~~ while discharging his duty and sustained injury in his right eye. He remained under the treatment of Dr.R.N.Singh, Eye Surgeon of Doon Hospital from 27.8.1987 to 30.9.1987. He had consulted Senior Medical Officer of J.N. Medical College Hospital, Aligarh Muslim University where he remained under the treatment of Ophthalmologist while he was on earned leave. He was advised to undergo "Kerotopy Operation" for restoration of sight in his right eye. He was even advised to arrange to procure an eye for grafting of retina. He, therefore, applied for Medical Advance of Rs.40,000/- for undergoing Kerotopy Operation vide his application dated 11.10.1989 as this operation was beyond his means. The C.M.O. vide his letter dated 28.4.1990 informed respondent no.2 to direct the applicant to appear before him for examination of his right eye. The C.M.O., Doon Hospital, Dehradun concurred with the report of the Eye Surgeon of Doon Hospital who opined that the applicant had developed "Corneal Opacity in RE" which is of a permanent nature. He was informed that unless Kerotopy Operation was done, he would continue to have vision problem of his right eye. Thereafter respondent no.2 appointed



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a four member committee known as Compensation Committee under the chairmanship of Dr.G.C.Joshi to assess the amount of compensation admissible to the applicant. The Committee did not determine the amount of compensation admissible to the applicant. Respondent no.2 vide his letter dated 23.1.1996 constituted a standing committee consisting of three officers to review the claim of the applicant for extra ordinary pension. The said committee recommended,vide its report dated 14.1.1997,a payment of Rs.57,713/- to the applicant after accepting that the accident occurred during the course of discharge of duties by the applicant which caused permanent damage to the right eye. In spite of the recommendation of the aforesaid committee, no action in regard to the payment has been taken by the respondents. Aggrieved by this, he has filed this OA.

3. The respondents in their reply have stated that it is true that the applicant was handling the air bottle to open the valve which gushed out with great pressure and struck applicant's face causing an eye injury. But it is denied that the applicant went to hospital just after the accident that took place on 25.8.1987. The applicant had directly taken his treatment in J.N.Medical College Hospital, Aligarh without consulting R.M.O. IIP

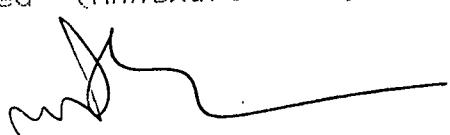


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Dispensary. The treatment outside the district/State is recommended by the authorized Medical Attendant. It is further stated by the respondents that the recommendation of the committee for payment of the compensation was not approved by the Director, IIP and was under consideration and the matter was referred to CSIR for consideration. According to them, the decision of the Director General, CSIR for payment of compensation shall be binding and final. They have further stated that the applicant had submitted his fitness certificate to resume his duty on 1.10.1987. After a gap of three years he has submitted C.M.D.'s report for his eye injury which may be due to some other cause. They have also stated that in his report Dr. Sista has rightly opined that there is no clear evidence that the eye sight of the applicant has been damaged due to accident that took place on 25.8.1987. Mere approval of leave is no ground for claim made by the applicant. In view of these submissions, there is no merit in the OA and the same deserves to be dismissed.

4. Heard both the learned counsel for rival contesting parties and perused the record.

5. From the record placed before me, I find that the committee constituted by the Director, IIP has recommended (Annexure-A.29) that the



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applicant suffered "Permanent RE Corneal Opacity" in the accident as per the medical certificates. Thus the quantum of disability assigning out of the accident, as per clause-7 of CSIR letter No.17(124/1)82-E.II(4.3) dated 5.8.1985, is the loss of one eye. The committee has clearly recommended that the applicant is to be paid a total amount of Rs.57,713/- @ R.355.20 per month pension to be offered to him. The Director,IIP vide his letter dated 8/21-1-1999 addressed to the Director General, CSIR (Annexure-A.34), has stated that he has examined the case thoroughly and he is fully convinced that the applicant is entitled for extra ordinary pension which was calculated to be around Rs.50,000/- or so. He has also stated that he will be failing in his duties if he does not render justice to an employee of his Institution who is suffering from mental agony due to inordinate delay in settling the matter. It is an admitted fact that the applicant suffered serious injury in his right eye. The C.M.O., Dehradun has concurred with the report of the Eye Surgeon, Doon Hospital, Dehradun who opined that the applicant had developed "Corneal Opacity in RE" which is of permanent nature and unless Keratoplasty Operation was done, he would continue to have vision problem of his right eye. Since the committee as constituted by the Director IIP has recommended the payment of compensation and the C.M.O. has



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also opined that the injury of permanent nature unless the operation is done, I find it a fit case to allow the OA and issue direction to the respondents to pay extra ordinary pension to the applicant.

6. Accordingly, the OA is allowed and the impugned orders dated 20.9.1999 and 8.10.1999 are quashed. Respondents are directed to pay the applicant extra ordinary pension amounting to Rs.57,713/- within three months from the date of receipt of a copy of this order.

7. With the above directions, the OA is disposed of. No order as to costs.

*M. P. Singh*  
(M. P. Singh)  
Member(A)

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