

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH, ALLAHABAD.

Allahabad this the 8th day of September 2000.

CORAM:-

Hon'ble Mr. Rafiq Uddin, Member-J.

Original Application No. 96 of 1996.

V.K. Srivastava (P.No. 6958290), S/o Sri N.P.
Srivastava, aged about 49 years, R/o 275,
Malviya Nagar, Allahabad. Serving as Upper Division
Clerk in the Central Ordnance Depot.,
Chheoki, Allahabad.

..... Applicant.

Counsel for the applicant:-Sri R.R. Tripathi.

V E R S U S

1. Union of India through the Secretary to
Government of India, Ministry of Defence,
DHQ Post Office, New Delhi, 110011.
2. The Director General of Ordnance Services,
Master General of Ordnance Branch, Army
Headquarters, DHQ post office, New Delhi-110011.
3. The Officer-in-Charge, Army Ordnance Corps
Records, Trimulgherry post office, Secunderabad.
4. The Commandant, Central Ordnance Depot, Chheoki,
Allahabad, (U.P.)

..... Respondents.

Counsel for the respondents:-Sri Ashok Mohiley

::2::

O R D E R (Oral)

(By Hon'ble Mr. Rafiq Uddin, J.M.)

The applicant who is working as Upper Division Clerk in Central Ordnance Depot. Chheoki, Allahabad, has approached this Tribunal for issuing direction to the respondent No.1 to grant him conveyance allowance as per the existing Government orders for ^{his} being physically handicapped.

2. It is stated that the applicant is a physically handicapped civilain Government employee suffering from a permanent partial disability of 50% both upper limbs. He is therefore, entitled for grant of conveyance allowance which is admissable to orthopaedically handicapped employees vide O.M. No. 19029/1/78-E.IV (B) dt.31.08.1978 issued by the M/o Finance, Government of India. The respondents have however, not granted the same and rejected his claim vide order dt.13.01.1995.

3. The case of the respondents has disclosed in the C.A is that at the time of joining of the applicant, the medical officer carried out ~~it is~~ ^{By} and medically examined and certified that the applicant was not suffering from any disease, constitutional weekness or bodily infirmity except deformity in the left forearm and wrist joint and the applicant was found medically fit for civil work. The respondents have also stated that the medical cirtificate submitted by the applicant, issued by the C.M.O, Allahabad does not establish any deterioration or any deformity whereas as per

..... Contd..

::3::

O.M dated 31.12.1978, the conveyance allowance shall be allowed to an orthopaedically handicapped employee if he has a minimum of 40% permanent disability of either upper or lower limbs. Hence the case of the applicant is not fit for grant of conveyance allowance.

4. I have heard Sri R.R. Tripathi, learned counsel for the applicant and Sri Ashok Mohiley, learned counsel for the respondents.

5. The applicant has pressed his claim on the provisions contained in the O.M No. 19029/1/78-E. IV(B) dated 31.08.1978. The relevant clause of the O.M in question is as under :-

"(1) Conditions for grant of allowance :-

(i). An orthopaedically handicapped employee if he or she has a minimum of 40% permanent partial disability of either upper or lower limbs or 50% permanent partial disability of both upper and lower limbs together. For purposes of estimation of disability, the standards as contained in the Manual for Orthopaedic Surgeon in Evaluating Permanent Physical Impairment brought out by the American Academy of Orthopaedic Surgeons, U.S.A, and published on their behalf by Artificial Limbs Manufacturing Corporation of India, G.T. Road Kanpur, shall apply.

(ii). The conveyance allowance will be admissible to the orthopaedically handicapped employees on the recommendation of the Head of Orthopaedics Department of a Government Civil Hospital.

(iii). In the case of blind employee, the allowance will be admissible on the recommendation of the Head of Ophthalmological Department of a Government Civil Hospital. Government servant having vision less than 3/60 or field vision

R

less than 10 in both eyes, will also be eligible for grant of the allowance in terms of the above orders. For those who develop the disability at a future date, the relevant date of eligibility will be the date of receipt of the recommendations of the competent Medical Authority by the Head of the Department.

(iv). The allowance will not be admissible during leave (except casual leave), joining time or suspension. "

6. It has been ^{Conceded} ~~contended~~ by the learned counsel for the applicant that ^{the} ~~the~~ medical certificates submitted by the applicant ^{only} ~~were about~~ 'partial disability' have been mentioned. He therefore, urges that respondents may be directed to get the applicant ^{re-examined} ~~for re-examination~~ through competent Medical Authority. I also agree with this contention of the learned counsel for the applicant and disposed of this O.A with the direction to the respondents to get the applicant's medical examination ^{done} by the proper medical Board constituted as per Rules within three months from the date of communication of this order and passed ^{so} proper order on the basis of certificate ⁷ issued by such medical Board in respect of grant of conveyance allowance to the applicant .

7. There will be no order as to costs.

R. N. Madan
Member (J)

/Anand/