

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

Original Application No. 570 of 1992

Union of India

..... Applicant

Versus

Shiv Charan Lal

..... Respondent

CORAM:

Hon. Mr. Justice U.C. Srivastava, V.C

Hon. Mr. V.K. Seth, Member(A)

(By Hon. Mr. Justice U.C. Srivastava, V.C.)

The Union of India has challenged the order passed by the Prescribed Authority under Payment of Wages Act awarding a sum of Rs.96,070.00 to the respondent no.2 in view of the grounds of 100% injury caused during the course of employment. The respondent no.2 was a khalasi in the Railway administration and according to him, while on duty he sustained injury on 2.2.88 with the result that his one teeth has broken and three others have to be extracted because of the injury sustained. According to the medical report the teeths were extracted owing to chronic Destructive Periodentitis, but the prescribed Authority took the view that teeths were extracted and also the teeths have been broken it amounts to 100% disablement. The respondent no.2 claimed a sum of Rs.50,000 by way of compensation while the Prescribed Authority went out of his claim and

awarded a sum of Rs.96,070.00.

2. Despite service, respondent no.2 has not appeared. Sri G.P. Agrawal learned counsel for the Railway Administration contented that it was a case under Workmen's Compensation Act and the schedule (1) to the act provide the list of injuries and total disablement and partial disablement and so far as extraction of the teeth~~s~~ is concerned or breaking of a particular teeth is concerned, the same is not an injury which is said to be under permanent disablement. The only injury in the permanent disablement is very serious is facial disfigurement and that is why it appears that the Prescribed Authority has stated that because of the breaking~~of~~ the teeth the face has been disfigured, merely because four teeth~~s~~ were extracted or broken there may be some disfigurement but it cannot be a case of very severe/disfigurement unless the party was affected with the very severe disfigurement, there was no question of compensation. The contentions raised by the learned counsel that he was only a khalasi and so far as his work is concerned that was not co related with his teeth or his facial disfigurement and the compensation could not be awarded. The Prescribed Authority did not consider this aspect and went out for awarding a huge amount without taking into consideration the aspect.

3. Accordingly, this application is allowed and the order passed by the Prescribed Authority is

quashed. The Prescribed Authority is directed to reconsider the matter and award any amount ~~only if~~ it comes to the conclusion that it is a case of very severe disfigurement which finding cannot be detached completely from the work performed by the respondent no.2. With these observations, this application stands allowed and the order passed by the Prescribed Authority is quashed. It will open for the Railway Administration to withdraw the amount which has been deposited by the Prescribed Authority.

W.S.
Member(A)

J.C.
Vice Chairman

Dated: 28.4.1993

(Uv)