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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH; CUTTACK.

original Application No. 17 of 1998.
Cuttack, this the 11th day of August, 2000.

B. LINGAMURTY.

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APPLICANT.

- VRS. -

UNION OF INDIA & ORS.

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RESPONDENTS.

FOR INSTRUCTIONS.

1. Whether it be referred to the reporters or not? *Yes*
2. Whether it be circulated to all the Benches of the Central Administrative Tribunal or not? *No*

(G. NARASIMHAM)
MEMBER (JUDICIAL)

Sumnath Som
(SUMNATH SOM)
VICE-CHAIRMAN *8/2/00*

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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

Original Application No. 17 of 1998.
Cuttack, this the 11th day of August, 2000.

C O R A M:-

THE HONOURABLE MR. SOMNATH SOM, VICE-CHAI RMAN
A N D
THE HONOURABLE MR. G.NARASIMHAM, MEMBER(JUDL.).

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B. LINGAMURTY,
Aged about 53 years,
Son of B. Narasimhalu,
Train Lighting Fitter(Retd.),
C/o B.K. Murty, Chowdhury Colony,
Chakratirtha Road, Puri-2.

: APPLICANT.

By legal practitioner: Mr. SANDEEP PARIDA, Advocate.

- VRS.-

1. Union of India represented through its General Manager, South Eastern Rly., Garden Reach, Calcutta-43, West Bengal.
2. Divisional Railway Manager(P), South Eastern Railway, Khurda Road, Dist: Khurda.
3. F.A. & C.A.O (Pension), South Eastern Railway, Garden Reach, Calcutta.
4. Divisional Personnel Officer(Pension), South Eastern Railway, Khurda Road, At/Po: Jatni, Dist. Khurda.

: RESPONDENTS.

JJM
By legal practitioner: Mr. P.K. Mishra, Additional Standing Counsel

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ORDER

MR. SOMNATH SOM, VICE-CHAIRMAN:

In this Original Application, the applicant has prayed for a direction to the Respondents to sanction him the disability pension from the date he was entitled to the same alongwith interest on the arrears.

2. Respondents have filed counter opposing the prayer of the applicant. For the purpose of considering the above prayer, it is not necessary to go into too many facts of this O.A. In any case, the basic facts of this case are not in dispute. While the applicant was working as Train Lighting Fitter under Khurda Division he met with an accident and because of which both his legs had to be amputated. He was examined by the Medical Board and declared 100% incapacitated for further employment. Accordingly, he was retired from service on the ground of invalidation and sanctioned with pension at the rate of Rs. 375/- p.m. in pension payment order dated 16.4.1992. Applicant has stated that Rule 9(3) of CCS (Extra-ordinary pension) Rules provide for disability pension in cases such as him and because of this he has come up with the prayer referred to earlier.

S. J. Som

3. Respondents, in their counter have stated that the fact that the applicant suffered an injury as a result of which an accident while on duty is not disputed. They have stated that for this injury he has received compensation under the workmen's Compensation Act. They have stated that as the applicant has received compensation under workmen's compensation Act, he is not entitled to disability pension under the Railway Services (Extra-ordinary pension) Rules, 1993.

4. We have heard Mr. S. Parida, learned Counsel for the Applicant and Mr. P. K. Mishra, learned Additional Standing Counsel appearing for the Respondents, who has on our direction filed a copy of the Railway services (extra-ordinary pension) Rules, 1993 and we have gone through the same. Rule-2 of these rules relate to application and it is provided that these rules shall apply to all railway servants other than those to whom the workmen's compensation Act 1923 (8 of 1923) applies. As in the case of the applicant, he has received Compensation under workmen's compensation Act, obviously Railway services (extraordinary pension) Rules, 1993 is not applicable to him. Therefore, we hold that the application is without any merit and the same is accordingly rejected. No costs.

(G. NARASIMHAM)
MEMBER (JUDICIAL)

KNM/CM.

Somnath Som.
(SOMNATH SOM)
VICE-CHAIRMAN

8.2.2000