

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM

O.A. No. 198/
XXXXXX

1990

DATE OF DECISION 21-12-1990

Kuncheria Joseph _____ Applicant (s)

Mr. R Rajasekharan Pillai _____ Advocate for the Applicant (s)

Versus

Secretary, Indian Council of Agriculture Research, Krish Bhavan, New Delhi and 3 others Respondent (s)

Mr. P. Sankaran Kutty Nair _____ Advocate for the Respondent (s)
for Respondent No.4 & Mr. P.V. Madhavan Nambiar for R-1-3

CORAM:

The Hon'ble Mr.S.P. Mukerji, Vice Chairman

The Hon'ble Mr.N. Dharmadan, Judicial Member

1. Whether Reporters of local papers may be allowed to see the Judgement? Yes
2. To be referred to the Reporter or not? Yes
3. Whether their Lordships wish to see the fair copy of the Judgement? No
4. To be circulated to all Benches of the Tribunal? No

JUDGEMENT

N. Dharmadan, Judicial Member

Showing courage and saving human life is not a light thing to be ignored or taken as an insignificant act. It deserves appreciation and acknowledgement. The Government invariably recognises such acts by granting awards and gallantry rewards in implementation of policy decisions even though there is no law governing the same. A question pertaining to such a chivalrous act arises for consideration in this case.

2. The grievance of the applicant is that the respondents have not granted any award for his act of bravery which was accepted by the officer, on the spot

as a deserving case for gallantry reward and the third respondent recommended for consideration and grant of award for he had saved the life of one eminent scientist useful to the country.

3. The applicant is an ex-serviceman who had been appointed with effect from 1975 as driver under the respondents. He was deputed to take part in a 'Kisanmela' at Palode in Trivandrum district under the charge of one eminent scientist, Shri K.U.K. Namboothiri. During the course of the Mela, another eminent Scientist, Shri R.K. Nair, was electrocuted and was in critical stage and about to collapse. The applicant gained courage, applied first aid without any appliances and attended him constantly inspiring artificial breath in his system which enabled him to get back the normal breath. Thereafter he was taken to Hospital and thus life of that eminent Scientist was saved. The situation was so grave and tense that nobody attended to the Scientist except the applicant. This was highly commended upon by the Sr. Scientist incharge of the Mela by sending Annexure-A and B letters to the Joint Director. Relevant portions in the said letters read as follows:

".....I should specially mention the presence of mind and the help rendered by Shri Kuncheria Joseph, Driver who timely action, I believe saved the life of Dr. R Radhakrishnan Nair. We thank you once again for all your co-operation guidance and help....." (Annexure-A)

"....With reference to the letter referred to above, I am to say that we conducted a Kisan Mela on 15-1-1986 at this Centre. On that day at about 9.00 AM Dr. R Radhakrishnan Nair, Scientist S-2 of this Centre who was attending to arrangements for exhibition in the club hall had an electrical shock from the power line, became unconscious and was in coma.

The situation upset the people on the spot and Shri Kuncheria Joseph, rushed to the spot and showed considerable presence of mind and took timely action on first aid measures like massage. This we believe helped in saving the life of Dr. R. Radhakrishnan Nair who was rushed to the hospital. This matter was already intimated to you vide this office letter No. F-81(2)/85 dated 17-1-1986 (copy enclosed)

I feel that the name of Shri Kuncheria Joseph can be recommended for a suitable award for saving the life of Dr. R. Radhakrishnan Nair.."
(emphasis added) (Annexure-B)

4. Since no award was received pursuant to Annexure A & B, the applicant's wife sent a representation to the first respondent which was replied ^{to} by stating that the applicant has ~~xxx~~ made a request after two years and hence the Council is unable to take any action in the matter. The applicant produced Annexure-E dated 17-12-1987 to disprove the statement in Annexure-C that the request was made after two years. Later the applicant was also given Annexure-F memo dated 12-12-1989 by the Joint Director informing him that his representation dated 28-11-89 has not been forwarded to the Council by the CPCRI as it does not contain any new point for consideration.

5. It is in this background that the applicant filed this application with the following reliefs:

- ".....(1) Direct the 3rd respondent to recommend the applicant's name for the granting of the award for bravery to the first and 4th respondents forthwith.
- (2) Direct the respondents to consider such recommendation to be made by the third respondent in the light of the facts and circumstances of the case.
- (3) Award cost of the applicant in these proceedings....."

6. Life saving chivalrous act is to be recognised, and rewarded even if there is no law or contract or that the concerned person has not claimed it. It is the policy of the Government to appreciate such acts by giving something in token of its recognition. There are cases where reward, or a recompense, is offered by Government, an organization or even individual to a person or persons who will perform a specified act, such as the return of the lost property, the apprehension of a criminal or rendering of service contributing to the good of the general public. This is contractual and the offer is accepted by the performance.

The persons performing such acts are entitled to reward as of right. But the act of bravery on the part of the employees would not be brought within the ambit of above rewards.

Nevertheless, the Government or public authority should recognise these acts of bravery by giving something even without any claim being made by the concerned person.

In the instant case, Annexures A & B clearly indicate that

the act of the applicant had been highly commended upon as one which deserved serious consideration by the appropriate authority taking into consideration the policy of the Govt.

in this behalf. But there is attempt to turn down/stating that the claim is belated. First of all there is no necessity to make any claim by the concerned person.

Secondly, there is no time limit fixed any-where for grant of such awards. This is a case where the claim of the applicant is not governed by any statutory or other orders or contract making him eligible for an award. No rule or executive orders issued in this behalf had been brought to our notice by the learned counsel appearing on both sides. However, we feel that the applicant's claim is bonafide and based on Annexures A & B. It deserves consideration by the respondents and grant of recompence.

It is unfortunate that the Joint Director has issued Annexure-C and F without appreciating the correct position. However, in the reply statement filed on behalf of R-1 to R-3 it has been admitted that the recommendation sent by the Dr. K.U.K Namboothiri, Scientist in charge CPCRI Research Centre, Palode to the Joint Director, CPCRI, Kayamkulam has been forwarded to the concerned authorities for further action. Relevant portion in the counter affidavit reads as follows:

".....However, on receipt of a submission dated 17-12-1987 from Shri Kuncheria Joseph, the Joint Director (third respondent) had forwarded the same

...../

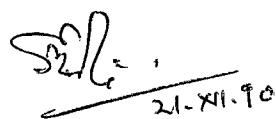
to the Scientist Incharge, EPCRI Research Centre, Palode, vide his letter No. PF.281/Adm. dated 23-12-1987 for further action as the reported incident took place at that centre. On 4-1-1988 a letter has been received from Dr. K.U.K. Namboothiri vide his letter N.O.F.81(3)/85 dated 1-1-1988 furnishing his comments for recommending the award and enclosed a copy of his letter N.O.F.81(3)/85 dated 17-1-86 for further action. The third respondent has readily forwarded the same to the Director, CPCRI, Kasargod for favour of perusal and appropriate action as per letter dated 16-1-1988....."

7. From the statements of the counter affidavit it is clear that the letter of the scientist is pending consideration and it is unnecessary for us to decide the issue at present and issue specific directions. On the facts and circumstances of the case we feel that the interest of justice would be met if the application is disposed of with the observation that the respondents will duly consider the claim of the applicant made by him in the ~~and the observations made in the preceding paragraphs~~ [↓] light of Anexure A & B ~~and dispose of the same as~~ expeditiously as possible at any rate within a period of three months from the date of receipt of a copy of this order.

8. The application is disposed of as indicated above. There will be no order as to costs.


N. Dharmadan
21.12.90

(N. Dharmadan)
Judicial Member


S.P. Mukerji
21.12.90

(S.P. Mukerji)
Vice Chairman