

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NExWxDExLXXX

NEW BOMBAY BENCH

QAxNex
T.A. No. 406/1987

198

DATE OF DECISION 23.3.1988

Shri P.S. Jamsandekar Petitioner

Shri V.B. Raikar Advocate for the Petitioner(s)

Versus

Union of India & another Respondent

Shri J.D. Desai Advocate for the Respondent(s)
(for Shri M.I. Sethna)

CORAM :

The Hon'ble Mr. J.G. Rajadhyaksha, Member (A)

The Hon'ble Mr. M.B. Mujumdar, Member (J)

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

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH, NEW BOMBAY.

TRANSFERRED APPLICATION NO.406 OF 1987.

Shri P.S. Jamsandekar
C/o. Shri V.B. Raikar,
Advocate,
68, Somwar Peth,
Pune - 411 011.

... Applicant

V/s.

- 1) The Union of India
through The Secretary
Government of India,
Ministry of Defence,
New Delhi.
- 2) Director,
Explosives & Development
Laboratory,
ERDL, Pashan,
Armament Post,
Pune - 411 021.

... Respondents.

Coram: Hon'ble Member(A), Shri J.G.Rajadhyaksha
Hon'ble Member(J), Shri M.B.Mujumdar

Appearances:

Shri V.B. Raikar
Advocate
for the Applicant.

Shri J.D. Desai
(for Shri M.I. Sethna)
Advocate
for the Respondents.

ORAL JUDGMENT:

DATED: 23.3.1988

(Per: Shri M.B.Mujumdar, Member(J))

The applicant Shri P.S. Jamsandekar had filed Special Civil Suit No.692 of 1983 in the Court of Civil Judge, Senior Division, Pune, claiming compensation of Rs. 75,000 from the respondents. That suit is transferred to this Tribunal under section 29 of the Administrative Tribunals Act, 1985.

2. The essential facts for the purpose of this judgment are these: On 22.12.1970 the applicant was appointed as Motor Transport Driver, Grade II, in the

Explosive Research & Development Laboratory (ERDL) at Pashan, Pune. On the evening of 14.5.1979 when he was driving a truck with explosives from Hyderabad to Pune in his official capacity, he met with an accident at a distance of about 40 Kms from Hyderabad. As a result of the injuries received by him in the accident, the Dean of the Sassoon General Hospital found that he was having permanent/partial incapacity of 25%. In view of that on 16.6.84 he was paid a compensation of Rs. 7,350 before the first Labour Court Commissioner at Pune. In the meanwhile the applicant was offered an alternative job as Laboratory Attendant but he refused to accept it. On 10.3.81 his services were terminated. On 31.12.1983 he filed the present suit claiming a compensation of Rs. 75,000 from the respondents.

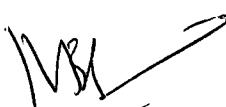
3. The respondents had filed a written statement when the suit was pending in the Civil Court.

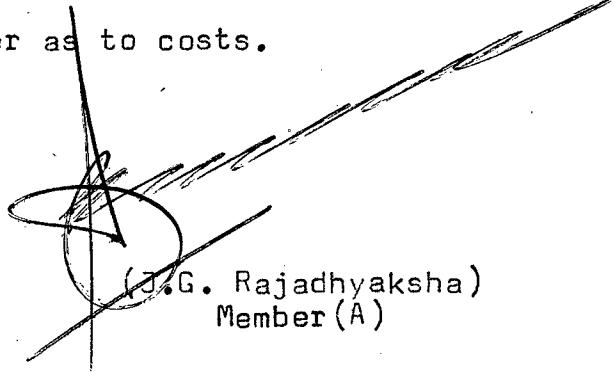
4. We have heard Mr. V.B. Raikar, the Learned Advocate for the applicant and Mr. J.D. Desai (for Mr. M.I. Sethna) for the respondents.

5. During the course of arguments Mr. Raikar stated that the applicant would be satisfied if he is appointed to some suitable post with the respondents. On our directions, the applicant has given an application for that purpose. The applicant has agreed that he may not be given the salary from 10.8.1981 till he joins his new post. We are unable to help the applicant by giving him compensation because he has already received

Rs. 7,350/- in full ~~satisfaction~~ ^{satisfactor} of his claim. As the applicant was injured when he was discharging his official duties, that too for defence purposes, we are inclined to take a sympathetic view and direct the respondents to consider the application of the applicant favourably.

6. We, therefore, direct the respondents to consider the application given by the applicant to-day, sympathetically, and give him some suitable job. The applicant shall accept the job which may be offered to him by the respondents. The applicant need not be paid any amount for the period from 10.8.1981 till the date on which he joins his new job. However, the respondents shall take into consideration the services rendered by him from 22.12.1970 to 10.8.1981. The respondents shall regularise the services of the applicant from 10.8.1981 till he joins his new job by treating that period as dies non i.e., the said period should neither be considered as service nor as break in service. The above directions should be implemented within two months from the receipt of a copy of this order. The application is disposed of on these lines with no order as to costs.


(M.B. Mujumdar)
Member (J)


(B.G. Rajadhyaksha)
Member (A)