

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

O.A. NO: 748/89

199

~~Ex-A-NO:x~~

DATE OF DECISION 13.2.1992

Mr. Saḍoo S. Kshirsagar

Petitioner

--- Advocate for the Petitioners

Versus

Union of India & Ors.

Respondent

Mr. S.C.Dhawan

Advocate for the Respondent(s)

CORAM:

The Hon'ble Mr. Justice U.C. Srivastava, Vice-Chairman

The Hon'ble Mr. M.Y. Priolkar, Member (A)

1. Whether Reporters of local papers may be allowed to see the Judgement ? *N*
2. To be referred to the Reporter or not ? *N*
3. Whether their Lordships wish to see the fair copy of the Judgement ? *N*
4. Whether it needs to be circulated to other Benches of the Tribunal ? *N*

mbm*

L
(U.C. Srivastava)
V/C

(9)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, BOMBAY

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Original Application No. 748/89

Sadoo Shankar Kshirsagar ... Applicant

V/s

Divisional Railway Manager & Ors. ... Respondents

CORAM : Hon'ble Vice-Chairman, Shri Justice U.C.Srivastava
Hon'ble Member (A), Shri M.Y.Priolkar

Appearances:

None present for the applicant.

Mr. S.C.Dhawan, Counsel
for the respondents.

ORAL JUDGMENT:

Dated : 13.2.1992


(Per. U.C.Srivastava, Vice-Chairman)

This application is directed against the non-grant of compensation under the Workmen's Compensation Act. The applicant was serving as a Driver in Railway Administration and he was injured in a stone throwing incident while shunting B.T.Engine No.8445 on 30.8.1973 sustaining injuries on the right eye causing 100% disability and several other injuries and fractures. The applicant was admitted in hospital. After he was discharged he was found unfit for the post ~~in~~ which he was holding and accordingly the Railway Administration offered him the post of Waterman and he started doing the work of Waterman although he was claiming compensation as Driver 'Of' Grade from the very beginning. But it appears the same has not been given ^{to him} by the Railway Administration on the technical ground that the incident was not reported, no such case was established that as

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a matter of fact he was injured while driving the engine. The Railway Administration could have known as to whether on that day at 6 p.m. he was on duty on a particular engine or not and there is no evidence in this behalf that they did not. By technical plea the Railway Administration ~~it~~ appears to have disallowed compensation which they should not have done as the Railway is the part of the Government and it is the duty of the Government to protect the citizens. The applicant admittedly has retired in the year 1986 as Waterman and he has been paid all his settlement dues. But no compensation whatsoever has been paid to him for the injuries he sustained. Accordingly the respondents are directed to calculate the amount ~~within three months and pay~~ the same amount to the applicant which ~~has been~~ entitled under the Workmen's Compensation Act of 25% and allow him 10% interest upto the date of payment. In case the revised grade of Waterman was not paid to the applicant till the date of his retirement he may be ~~he may be~~ paid arrears within this period. No order as to costs.


(M.Y. PRIOLKAR)
MEMBER(A)


(U.C. SRIVASTAVA)
VICE-CHAIRMAN

v/-