

CENTRAL ADMINISTRATIVE TRIBUNAL
BENCH AT MUMBAI

ORIGINAL APPLICATION No. 1288/1993

Date of Decision: 14-2-97

Yeshwant Khandu Tile

Petitioner/s

Applicant in person.

Advocate for the
Petitioner/s

V/s.

Union of India and others.

Respondent/s

Shri V.S.Masurkar.


Advocate for the
Respondent/s

CORAM:

Hon'ble Shri B.S. Hegde, Member (J)

Hon'ble Shri P.P. Srivastava, Member(A)

- (1) To be referred to the Reporter or not ?
- (2) Whether it needs to be circulated to other Benches of the Tribunal ?


(B.S. Hegde)
Member(J)

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH 'GULESTAN' BUILDING NO:6
PRESCOT ROAD, BOMBAY:1.

Original Application No. 1288/93

14th the 14th day of February 1997.

CCRAM : Hon'ble Shri B.S. Hegde, Member(J)

Hon'ble Shri P.P. Srivastava, Member(A)

Yeshwant Khandu Tile
Token No. 362
Currency Note Press
Nasik Road,
Tal. & Dist.
Nasik.

... Applicant.

Applicant in person,

V/s.

General Manager
Currency Note Press
Nasik Road, Nasik

Union of India,
Secretary
Ministry of Finance
Dept. of Economic Affairs
Government of India,
New Delhi.

... Respondents.

By Advocate Shri V.S. Masurkar.

ORDER

¶ Per Shri B.S. Hegde, Member(J) ¶

In this O.A. the applicant seeks promotion to the post of Plate Grainer with effect from 1.11.1977 with all consequential benefits.

2. The applicant was appointed as Unskilled Labour in the year 1961. The applicant met with an accident while on duty wherein he lost the fingers of both the hands. In accordance with Workman Compensation Act the applicant has been paid an amount of Rs. 4,900/- on 6.6.63. Despite the compensation the applicant's service has not been terminated and he was allowed to continue

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in the grade he was working at the time of accident. Applicant seeks promotion to the post of Plate Grainer with effect from 1977. He has filed this O.A. on 24.11.93, before that the applicant has sent a legal notice on 28.10.92 which has been replied by the respondents by letter dated 25.1.93.

3. The learned counsel for the respondents has drawn our attention to the reply to legal notice dated 28.10.92 as well as the written statement filed by the respondents and urged that on account of the injuries and amputation to both the hands the applicant is not in physical condition to handle any work of promotion. Despite the same the applicant was allowed to continue in the grade on humanitarian ground and not that he is capable of discharging the duties properly. The said compensation and disability was approved by the Commissioner of Workman Compensation, Bombay who is competent authority under the Workman Compensation Act. Accordingly, the settlement was also registered as per the provisions of the Act signed by applicant in Workman Compensation office. Despite the same the applicant has filed a complaint in Labour Court, Nashik for claiming more compensation which was dismissed by the Hon'ble Labour Court. Therefore, it is clear that the applicant was not entitled to claim any promotion on the basis of seniority cum merit from 1.11.77. However, on the peculiar circumstances the applicant was further promoted to the post of Plate Grainer on humanitarian consideration vide order dated 14.2.87. His further request for promotion to the post of Jr. Machine Assistant, it is also made clear that hence he was unable to perform any work on such machine, he cannot

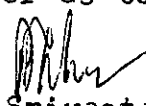
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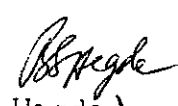
be considered.

4. Apart from the delay in filing the O.A. even the legal notice served on the respondents is after a lapse of about 15 years. This O.A. is liable to be dismissed both on the ground of limitation as well as on the ground of merits. The factual averments are not in dispute that on account of injuries and amputation to both the hands the applicant was not able to perform the duty as Machine Assistant as it requires to be used by normal human being. The Department has considered and allowed him to continue in service and also paid compensation under Workman Compensation Act on humanitarian ground. The applicant has given promotion to the post of Plate Grainer in the year 1987.

5. Therefore, in our opinion, no injustice has been caused to the applicant. The applicant is still continuing in in service as Plate Grainer and the respondents cannot do more than what they have done. In so far as the service benefits are concerned, we are not inclined to dismiss the O.A. merely on the ground of limitation, though it is barred by limitation. On merit also the applicant has not made out any ground for our interference.

6. In the result, we do not see any merit in the O.A. Accordingly the O.A. is dismissed. No order as to costs.


(P.P. Srivastava)
Member(A)


(B.S. Hegde)
Member(J)