

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR
O.A.No.104/99 Date of order: 28.8.2001

Mithu Lal Sharma, S/o Sn.Sua Lal, R/o Sangur Nagar,
infront of HMT, Beawar Road, Ajmer.

...Applicant.

Vs.

1. Union of India through the General Manager, W.Rly,
Churcngate, Mumbai.
2. The Divisional Rly. Manager, W.Rly, Ajmer.

...Respondents.

Mr.N.K.Gautam : Counsel for applicant

Mr.Sita Ram)

Mr.T.P. Sharma) : for respondents.

CORAM:

Hon'ble Mr.S.K.Agarwal, Judicial Member.

Hon'ble Mr.S.A.T.Rizvi, Administrative Member.

PER HON'BLE MR S.K.AGARWAL, JUDICIAL MEMBER.

In this O.A filed under Sec.19 of the ATs Act, 1985, the applicant makes a prayer to grant invalid pension to the applicant w.e.f.17.4.90 and to pay him arrears with interest.

2. The case of the applicant in brief is that he met with an accident on 26.11.88 while on duty at Palanpur Railway Station and injuries suffered on account of this accident resulted his total disablement hence the applicant is entitled to invalid pension, as per provisions given in Railway Service (Extraordinary Pension) Rules, 1993. It is stated that the applicant filed O.A No.547/95 before the Tribunal which was decided on 7.9.98 directing the respondents to examine the applicant's representation dated 15.5.95 and to take a decision in the light of provisions

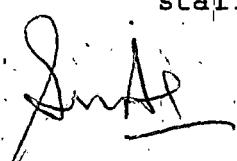
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contained in Railway Service (Extraordinary Pension) Rules, 1993. It is stated that in pursuance of the orders passed by this Tribunal, the representation of the applicant was examined and ultimately, the applicant was not found entitled to invalid pension, as per order dated 23.12.98. Therefore, the applicant filed this O.A for the relief as above.

3. Reply was filed. In the reply the respondents have denied the accident on 26.11.88 as alleged by the applicant and stated that if the applicant had met with an accident while on duty, he should have reported to Railway Doctor about the said accident and, in that case, the Railway Doctor must have issued a certificate - "Injury on duty". It is stated that the Medical Board found the applicant unsuitable for any type of job in the Railways, therefore, the applicant was retired w.e.f. 17.4.90. It is stated that the applicant was on leave from 26.11.88 to 30.11.88 and he remained at home from 26.11.88 to 1.12.88 and he reported sick on 2.12.88 at Railway Hospital, Ajmer. It is denied that the applicant was attended by S/Shri Padam Chand, Shanker Lal and Panchulal on or after 26.11.88. Therefore, it is stated that the applicant was rightly held not entitled to any invalid pension hence the applicant has no case.

4. Heard the learned counsel for the parties and also perused the whole record.

5. The applicant failed to establish the fact that he was met with an accident on 26.11.88 at Palanpur while on duty. If there was any accident took place with the applicant on 26.11.88 at Palanpur Railway Station then there was no reason why he should not be attended by the Station staff at Palanpur on 26.11.88. The contention of the



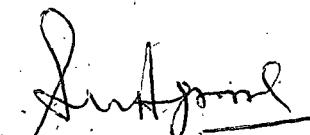
applicant that he was attended by some staff members is also contradictory in view of the explanation given by the respondents in the reply, therefore, cannot be believed. The applicant stated to be on leave w.e.f. 26.11.88 to 30.11.88 and if he met with an accident while on duty on 26.11.88, he should have reported the said incident to the Railway Doctor and in that case the Railway Doctor must have issued a certificate "injury on duty". But in the instant case, no such incident reported to the Railway Doctor/any Railway authority, therefore, in our considered view the applicant failed to make out any case of granting invalid pension in his favour, as per the provisions contained in Railway Service (Extraordinary Pension) Rules, 1993 and the applicant was rightly denied invalid pension vide order dated 23.12.98. Therefore, we do not find any infirmity/ illegality in the said order.

6. We, therefore, dismiss this O.A having no merit with no order as to costs.



(S.A.T. Fizvi)

Member (A).



(S.K. Agarwal)

Member (J).