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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH : : GUWAHATI - 5

O.A. No. 89/94.
T.A. No.

DATE OF DECISION 14-6-95.

Shri R.N.Banerjee.

PETITIONER(S)

Mr.J.L.Sarkar with Mr.M.Chanda.

ADVOCATE FOR THE
PETITIONER(S)

VERSUS

Union of India & Ors.

RESPONDENT(S)

Mr.B.K.Sharma.

ADVOCATE FOR THE
RESPONDENT(S)

THE HON'BLE JUSTICE M.G.Chaudhari, Vice-Chairman

THE HON'BLE

1. Whether Reporters of local papers may be
allowed to see the Judgement? Yes

2. To be referred to the Reporter or non ?

3. Whether their Lordships wish to see the fair
copy of the Judgement? No

4. Whether the Judgement is to be circulated to
the other Benches?

M.G.Chaudhari

Judgement delivered by Hon'ble Justice M.G.Chaudhari,
Vice-Chairman

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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No. 89/94

Date of Order: This the 14th Day of June 1995.
Justice Shri M.G. Chaudhari, Vice-Chairman

1. Shri R.N. Banerjee
C/O. Shri Sunil Kanti Choudhury
Qtr: 6-A, Central Gotanager
P.C. Maligaon.
Guwahati-11. Applicant.

By Advocate Mr. J.L. Sarkar with Mr. M. Chanda and
Mr. A.D. Roy.

-vs-

1. Union of India
through General Manager,
N.F. Railway, Maligaon.
Guwahati-11.

2. The Divisional Railway Manager (P)
N.F. Railway, Alipurduar Junction.
West Bengal.

By Advocate Mr. B.K. Sharma

O R D E R

CHAUDHARI J(VC):

1. The applicant has already retired from service of the N.F. Railway (respondents). While in service he met with an accident and suffered serious injury requiring his left foot to be amputated. Even, according to the applicant, the respondents have been very sympathetic towards him and all medical assistance was extended to him. However his claim for lump sum compensation was not found admissible by the DRM(P), APDJ on 9-10-92. His claim was also re-examined but the same view was taken on 13-12-93. However having regard to the nature of disability suffered by the applicant his further representation is being reconsidered by the Railway authorities. It is stated in para 15 of the O.A. that the General Manager has called for the papers and

contd/-

[Signature]

he is re-examining the question. Mr. B.K. Sharma learned counsel for the respondents also states that the matter is under consideration but no decision has so far been taken. In the circumstances it will be just and proper to leave the matter to the decision of the General Manager, N.E.R. Railway as he is already seised with the matter. The very fact that despite earlier rejection of the claim the office of the General Manager is inclined to reconsider the question goes to show that the matter will be examined in all aspects without attaching undue importance to technicalities and will receive sympathetic consideration within the frame-work of the rules as also within the discretionary powers of the General Manager in such matters. It is not therefore desirable to proceed on merits at this stage.

2. It is hoped that the office of the General Manager will take the decision expeditiously and inform the applicant accordingly. The O.A. is disposed of. As the O.A. is not decided on merits the contentions now urged are left open to both the parties to be agitated if occasion arises after decision of the General Manager's office.

No order as to costs.

M.G.CHAUDHARI
(M.G.CHAUDHARI)
VICE-CHAIRMAN