

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BANGALORE

ORIGINAL APPLICATION NO.170/00176/2018

DATED THIS THE 15TH DAY OF MARCH, 2018

HON'BLE DR. K.B. SURESH, MEMBER(J)

S. Raja,
S/o Late Shivalingam,
Aged about 59 years,
Working as Driver,
VO 'B', PC No.2590,
O/o the Director, LRDE,
P.B. No.9324, Raman Nagar,
Bangalore-560 093.
Res: H.No.36/1A, Gangamma Temple Street,
A. Narayanapura, D.V.Nagar P.O.,
Bangalore-560 016.

...Applicant.

(By Advocate Shri K. Hanifa)
V/s.

1. Union of India,
Rep. by its Scientific Adviser
to Raksha Mantri &
Director General R & D Organisation,
Ministry of Defence, 'B' Wing,
Sena Bhavan, New Delhi-011.
2. The Director,
Ministry of Defence,
Defence Research & Development Org.
Dte. Of Human Resources Development,
'B' Block, DRDO Bhavan,
Rajaji Marg, New Delhi-110 011.
3. The Director,
Ministry of Defence,
L.R.D.E., DRDO,
C.V.Raman Nagar,
Bangalore-560 093.

....Respondents.

O R D E R (ORAL)

Heard. The matter relates to a motor accident compensation under Motor Vehicle Rules awarded by Motor Accidents Claims Tribunal. Apparently the applicant who was the driver of the vehicle was heard and after recording his pleadings and evidence, the Tribunal had ordered compensation to be paid by the owner of the vehicle for which the applicant was the driver. Apparently, it has come out in the evidence that the applicant had unauthorizedly taken the vehicle to his residence. On the way to his residence, the accident occurred and the child died. So, even if it a part of duty, it is civil liability on the applicant to pay the damages he had caused. Apparently, the order of the Tribunal has become concertized by non-filing an appeal by either respondents. Therefore, the respondents are eligible to realize from the applicant the amount they have paid as compensation.

2. But having said so, I feel that apparently Section 60 of CPC is to be followed for the quantum proposed to be recovered at a time.

3. Therefore, I remit the matter back to the respondents to fix the quantum in accordance with strictly under provisions of Section 60 of CPC. But the OA will not lie under law. Dismissed. No costs.

(DR. K.B. SURESH)
MEMBER(J)

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Annexures referred to by the Applicant in OA.176/2018

Annexure-A1: Demand ID No.69239-vehicle allotted:13C-097089E TATA Mobile dated 31.12.2015.

Annexure-A2: Medical Certificate dated 13.01.2016.

Annexure-A3: Representation dated 01.01.2016.

Annexure-A4: Suspension order No.LRDE/14383 dated 21.01.2016.

Annexure-A5: No. LRDE/14383/ADM-Memorandum of Article of charges dated 12.02.2016.

Annexure-A6: Written statement of defence of the Applicant dated 22.02.2016.

Annexure-A7: Acceptance of statements of Article of charges by the applicant dated 05.04.2016.

Annexure-A8: Daily order sheet dated 05.04.2016.

Annexure-A9: Inquiry Report dated 12.04.2016 with forwarding letter dated 13.04.2016.

Annexure-A10: Order No.LRDE/14383/Adm dated 19.04.2016 for revocation of suspension order.

Annexure-A11: Order No.LRDE/14383/Adm dated 19.04.2016 for imposing punishment on the applicant.

Annexure-A12: Order dated 21.08.2017 in MVC No.267/2016-by Small Causes Court of Mayo Hall, Bangalore Unit.

Annexure-A13: Impugned Order dated 14.11.2017 No.MVC No.267/2016/LRDE- for recovery of compensation from the applicant.

Annexure-A14: Reply dated 28.11.2017 to the above recovery order.

Annexure-A15: Pay clip for Jan 2018 of the applicant.

Annexure-A16: Pay clip for Feb 2018 of the applicant.

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