

Order no 51 dated 03-6-2025

Today is fixed for hearing.

Ld Advocate for the claimant is present. None has appeared for the Ops.

It is now 11:40 AM. Hence, I proceed to hear the Ld Advocate for the claimant.

Heard Ld Advocate for the claimant. Perused the record.

Considered.

On perusal of the application under consideration, it appears that the applicant has stated that due to the accident involving the motor vehicle, the applicant suffered injuries and caused permanent disablement of the applicant. The applicant has asserted that his disability should be ascertained and for which he is required to appear before the medical board of any Govt hospital. With such assertions the applicant has prayed that an order be passed upon the medical Superintendent of MR Bangur Hospital or any other Government hospital for constituting a medical board and issuance of a certificate.

In a recent Judgment of the Hon'ble Supreme Court dated 16.11.2021 reported as Bajaj Allianz General Insurance v. United of India in W.P.(C) 534 of 2020, the Hon'ble Supreme Court had once again reiterated the guidelines laid down in Rajkumar and Ajaykumar and another [(2011) 1 SCC 343] and stated that the guidelines laid down therein has to be mandatorily followed by all the Tribunals in respect of the loss of income/disablement. The issuance of disability certificate, the Hon'ble Bench opined should have a Pan India Uniformity.

It would appear that the tribunal is empowered to make an enquiry into the asserted permanent disablement of the claimant and for such enquiry, this tribunal is also within its powers to grant the relief is prayed for through the application under consideration.

Hence, it is hereby:

Ordered

that the application filed by the claimant on fifth of April 2025 stands allowed.

The medical superintendent of M.R. BANGUR Hospital is directed to constitute a medical board and examine the claimant Ammay krishna pramanik as regards his permanent disability and thereafter issue a certificate to that regard. The certificate be sent to this tribunal in a sealed manner. The cost of the medical board shall be borne by the claimant himself.

A copy of this order we also given to the claimant free of cost to submit the same to the medical superintendent of the concerned hospital.

To 04-7-2025 for report.

ADJ, FTC, 8th Court,
Alipore.

