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भारत सरकार/ Government of India
संचार मंत्रालय/Ministry of Communications
डाक विभाग/ Department of Posts
पेंशन अनुभाग/ Pension Section

डाक भवन/ Dak Bhawan, संसद मार्ग/Sansad Marg

नई दिल्ली/ New Delhi - 110 001

Dated the 1st June, 2018

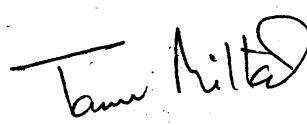
To

1. The CPMG of all Postal Circles
2. Chief General Manager (BD&M), Dak Bhawan
3. Chief General Manager (PLI), Chanakya Puri, New Delhi
4. Secretary(PSB), Dak Bhawan
5. Director, Rafi Ahmad Kidwai National Postal Academy, Ghaziabad
6. All Directors/ Dy. Directors of Accounts (Postal)
7. Principal Director of Audit (Postal), Delhi-54
8. Addl. Director General, Army Postal Service Corps, Sena Dak Bhawan, Rao Tula Ram Marg, Delhi Cantt.-10
9. Chief Engineer (HQ), Dak Bhawan

Subject: Guidelines for settlement of claims for compensation on accidents applicable to Department of Posts and Public Sector Undertakings under its control

I am directed to forward herewith a copy of Guidelines on the above mentioned subject for compliance and necessary action.

Encl: As above


(Tarun Mittal)
Asstt. Director General (Pension)
Tel.No.011-2304 4768

Copy for information to:

1. PS to Hon'ble MOS(IC)
2. PPS to Secretary(Posts)/DG(Posts)
3. PPS to Member(Banking&RB)/Plg./Tech./Plg./Pers./Ops./PLI
4. Addl. DG(Postal Services)/ JS&FA/ all DDsG
5. All Regional Postmasters General
6. All Postal Training Centres
7. Director, CEPT Mysore-for uploading on the official website of the Deptt. of Posts
8. Guard File

Centre for Excellence in Postal Technology, Mysore-570010		
23 JUN 2018		
A.M.	Director	A.D.(A)

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GUIDELINES FOR SETTLEMENT OF CLAIMS FOR COMPENSATION
ON ACCIDENTS APPLICABLE TO THE DEPARTMENT OF POSTS AND
PUBLIC SECTOR UNDERTAKINGS UNDER ITS CONTROL

PREAMBLE:

Accidents are unfortunate incidents, occurrences of which cannot be obliterated completely, but can only be minimized by adopting most vigilant practices, safety precautions etc. Sometimes accidents do happen when responsibility and liability cannot be affixed on certain individuals or malfunctioning of certain machinery and the Law recognizes the Principle of 'No Faulty Liability' for such unfortunate incidents. In such cases, the loss of life and loss of dependency cost of the dependents of such victims cannot be written off merely on the pretext that negligence on the part of the Department or its agencies cannot be substantiated for want of stricter proofs, particularly in a Welfare State like ours. Therefore, these guidelines have been framed.

1. **Title:** These guidelines would be called as Guidelines for Settlement of Claims for Compensation.
2. **Effective date:** The guidelines would be effective from 01.06.2018.
3. **Applicability:** These guidelines would govern the settlement of compensation claims arising out of accidents resulting into loss of life or permanent disability.
4. **Definitions:**
 - (a) **Accident:** Any death or permanent disability resulting solely and directly from any unintended and unforeseen injurious occurrence caused during the maintenance, operation and provisioning of any public service undertaken by the Department. Accidents caused under influence of drinks or drugs by the victims will be outside the preview of these guidelines.
 - (b) **Competent Authority:** Competent Authority means Secretary to Government of India, in the Department of Posts or Chairman & Managing Director of a Public Sector Undertaking under the Control of the Department of Posts.
 - (c) **Department:** means Department of Posts and for the purposes of the present Guidelines includes, any Public Sector Undertaking, under the Control of the Department of Posts.
 - (d) **Dependent:** As defined in the Employees' Compensation Act, 1923.
 - (e) **Designated Officer:** An Officer designated by the Competent Authority of the Junior Administrative Grade (JAG) or equivalent for the purposes of receiving and processing claims for compensation under the present Guidelines.

(f) **Victim:** Any person who suffers permanent disablement or dies in an accident as defined in these Guidelines.

(g) **Permanent Disablement:** A disablement that is classified as a permanent total disablement under the proviso to Section 2(1) of The Employees' Compensation Act, 1923.

5. **Detailed Accident Report:** The report prepared by the Police within a period of 30 days from the date of incident as per Schedule-I of this guidelines.

Explanation: For the purposes of the preparation of the detailed accident report, the word 'injury' as referred in Schedule-I refers to "permanent disability" as mentioned in clause 4(g) of the Guidelines.

6. **Extent of Liability:** On the occurrence of any "accident" as defined under these Guidelines, the Department shall whether or not there has been any wrongful act, neglect or default on its part and notwithstanding anything contained in any other law, be liable to pay compensation to such extent as prescribed below:

- (i) In the event of death or permanent disability resulting from loss of both limbs: Rs.10,00,000/- (Rupees Ten lakh only)
- (ii) In the event of other permanent disability: Rs.7,00,000/- (Rupees Seven Lakh only)

However, persons claiming compensation under these guidelines will not claim additional compensation from the Department or its agencies under any other regulation or statute either directly or through a court of law. The claimant shall submit an undertaking to this effect before availing the compensation under these guidelines.

7. **Procedure for settlement of claims in respect of compensation**

(a) The victim or his/her dependents would make an application within a period of 90 days of the accident to the Designated Officer under whose jurisdiction the accident had occurred. The application should be accompanied by the following documents:

- (i) Proof of age of the victim.
- (ii) Death certificate of the victim

Or

Permanent disability certificate issued by the Medical Board authorized by the Government

- (iii) Certified copy of FIR lodged in respect of the accident.
- (iv) Proof of applicant's relation with the victim/ dependency certificate

The Designated Officer may seek any further documents for settlement of claim to its satisfaction.

Provided that where there are more than one dependent, the Applicant must mention their name, addresses and relations with the victim and the Designated

Officer may at its own discretion issue notices to all before releasing the compensation.

(b) The Designated Officer on receipt of above application shall take into consideration the Detailed Accident Report submitted by the Police Authority and would process the claim of compensation on priority basis but would not take more than 30 days for disposing off the same in any case.

(c) The Designated Officer, in case where no application is received from the victim/ dependents of victims, may on receipt of the detailed accident report proceed suo-moto to initiate the process for consideration for grant of the compensation to the victim / dependents of victim.

(d) With effect from the date of the present Guidelines, all contracts/ agreements to be entered into by the Department with any person or agency for maintenance, operation and provisioning of public service would invariably include a clause whereby any compensation paid under these guidelines shall be recoverable from such person, agency or firm.

(e) In no case a claim for appointment of any of the dependents on the compassionate grounds would be entertained by the Department.

8. Method of Disbursement of compensation

(i) The amount of compensation so awarded shall be deposited in a Nationalized Bank or if the branch of a Nationalised Bank is not in existence, it shall be deposited in the branch of a scheduled commercial bank, in the joint or single name of the victim/ dependent(s). Out of the amount so deposited, 75% (seventy five percent) of the same shall be put in a fixed deposit for a minimum period of one year and the remaining 25% (twenty five percent) shall be available for utilization and initial expenses by the victim/ dependent(s) as the case may be.

(ii) In the case of a minor, 75% of the amount of compensation so awarded shall be deposited in the fixed deposit account and shall be drawn only on attainment of the age of majority, but not before one year of the deposit. Provided that in exceptional cases, amounts may be withdrawn for educational or medical needs of the beneficiary at the discretion of the Department.

(iii) The interest on the sum shall be credited directly by the bank in the savings account of the victim dependent(s) on monthly basis.

9. **Appeal:** An appeal against the decision of the Designated Officer in respect of the amount of compensation or rejection of such claim shall be made to competent authority within a period of 30 days of such decision. The Competent Authority would decide the same within 30 days of receipt of such appeal.

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SCHEDULE-I

PART- I - PARTICULARS OF THE ACCIDENT		
1.	FIR No. ..., Date and Under Section	
2.	Name of the Police Station	
3.	Date, Time, Place of the accident	
4.	Who reported the accident to the police	
5.	Name of the Person who took the victim to the hospital and Name of the Hospital	
6.	Whether any hospital denied treatment to the Victim?	
7.	Nature of the accident :- (i) Whether resulted in death or injury or both? (ii) Number of persons injured/died.	
8.	Name and Contact No. of the Investigating Officer	
9.	Name of the witnesses of the accident	
10.	Description of the accident	

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PART- II - IMPACT OF THE ACCIDENT ON THE VICTIMS

1.	<p>Death Cases :-</p> <p>a) Name and Address of the deceased</p> <p>b) Age</p> <p>c) Gender</p> <p>d) Education</p> <p>e) Occupation</p> <p>f) Income (Monthly)</p> <p>g) Legal Heirs/Guardian</p> <p> i. Name</p> <p> ii. Relationship</p> <p> iii. Age</p> <p> iv. Address</p> <p> v. Contact No.</p>	
2.	<p>Injury Cases (permanent disablement)</p> <p>a) Name and address of the injured</p> <p>b) Age</p>	

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	<p>c) Gender</p> <p>d) Education</p> <p>e) Occupation</p> <p>f) Income (Monthly)</p> <p>g) Details of family dependent of the victim MLC No.</p> <p>h) Nature of injuries</p> <p>i) Name of the Hospital where the injured treated</p> <p>j) Whether victim refused medical treatment</p> <p>k) Period of hospitalization</p> <p>l) Period of treatment</p> <p>m) Whether treatment continuing</p> <p>n) Name, address and contact number of the doctor (s) who treated the injured</p> <p>o) Whether the injured underwent any surgery? If yes, then give particulars.</p>	
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<p>3.</p>	<p>p) Whether suffered any permanent disability.</p> <p>q) Expenditure incurred on treatment conveyance, special diet, attendant etc. Give details, if available.</p> <p>r) Whether the injured got reimbursement of medical expenses from his employer or under a mediclaim policy. Give details, if available.</p> <p>s) Whether the injured was provided cashless treatment by the Insurance Company? Give details, if available.</p>	
	<p>Any other relevant information.</p>	

<p>PART-III - RELEVANT DOCUMENTS TO BE ATTACHED</p>		
<p>1.</p>	<p>First Information Report</p>	
<p>2.</p>	<p>Photographs of the scene of the accident from all angles</p>	
<p>3.</p>	<p>Statement of the witnesses recorded by the Police.</p>	
<p>4.</p>	<p>Scientific report, if the Victim was under the influence of any liquor/drugs</p>	
<p>5.</p>	<p>In case of Death.</p> <p>a) Post Mortem Report</p> <p>b) Death Certificate</p> <p>c) Photograph and proof of the identity of the Dead.</p>	

	<p>d) Proof of legal representatives of the deceased.</p> <p>e) Photograph, specimen, signatures attested by the bank and identify proof of the legal representatives of the deceased.</p> <p>f) Treatment of the deceased with name and address of the Hospital.</p> <p>g) Bank account No. of the legal representatives of the deceased.</p>	
6.	<p>In case of Injury</p> <p>a) MLC</p> <p>b) Multi angled photographs of the injured</p> <p>c) Photograph, specimen, signatures attested by the bank and identify proof of the injured.</p> <p>d) Disability certificate</p>	
7.	<p>Any other relevant information.</p>	

VERIFICATION

Verified at _____ on this _____ of _____, that the contents of the above report are true and correct and the documents mentioned in Part III have been verified.

Station House Officer
(Name and Stamp)

Assistant Commissioner of Police
(Name and Stamp)