

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.


(4)

Allahabad, this the 2nd day of July 2002.

QUORUM : HON. MR. JUSTICE R.R.K. TRIVEDI, V.C.
HON. MR. K.K. SRIVASTAVA, A.M.

O.A. No. 24 of 1995

1. Smt. Lila Srivastava w/o Late Mahabir Prasad Srivastava aged about 52 years, Head Clerk (Works Accounts), Divisional Railway Manager's Office, Northern Railway, Allahabad.
2. Smt. Raj Kumari Gulati w/o Late Kishori Lal, aged about 47 years, Head Clerk (Personnel Branch), Divisional Railway Manager's Office, Northern Railway, Allahabad.
3. Smt. Anurupma Devi Malviya w/o Late Suresh Chanda Malviya aged about 48 years, Head Clerk (Record), D.R.M's Office, Northern Railway, Allahabad.
4. Smt. Mithila Srivastava w/o Late S.M. Srivastava, aged about 55 years, Head Clerk (Personnel Branch), D.R.M's Office, Northern Railway, Allahabad.
5. Smt. P.D. Massey w/o Late David Massey, aged about 53 years, Head Clerk (Mechanical Branch), D.R.M's Office, N.R., Allahabad.
6. Smt. Nimlala Kumari w/o Late Suresh Chand Agarwala, aged about 54 years, Head Clerk (Works Branch), D.R.M's Office, Northern Railway, Allahabad.
7. Smt. Asha Rani Sharma w/o Late Chandra Pal Sharma, aged about 39 years, Senior Clerk, (Personnel) Branch, D.R.M's Office, Northern Railway, Allahabad.
8. Smt. Swaran Lata w/o Late Om Prakash, aged about 56 years, Peon, D.R.M's Office, Northern Railway, Allahabad.
9. Smt. Ahilya Devi w/o Late Ram Aqbal Dubey, a/a 54 years, Peon, D.R.M's Office, Northern Railway, Allahabad.
10. Smt. Prem Lata Jauhari w/o Late S.K. Jauhari, a/a 54 years Head Clerk (Transportation Branch), D.R.M's Office, Northern Railway, Allahabad.
11. Smt. Sarojani Singh w/o Late Ram Dularey Singh, a/a 36 years, Peon (Record), D.R.M's Office, Northern Railway, Allahabad.



12. Smt. Vimla Kapoor w/o D.N. Kapoor, a/a 52 years, Peon (Record), D.R.M's Office, Northern Railway, Allahabad.
13. Smt. Shakuntala Devi w/o Late Shanker Lal, a/a 40 years, Peon, D.R.M's Office, Northern Railway, Allahabad.
14. Smt. Prema Pandey w/o Late V.N. Pandey, a/a 43 years, Peon (Record), D.R.M's Office, Northern Railway, Allahabad.
15. Smt. Swaran Lata Dhyani w/o Late G.P. Dhyani, a/a 51 years, Head Clerk (Commercial Branch), D.R.M's Office, Northern Railway, Allahabad.
16. Smt. Meena Son w/o Late M.K. Soni, a/a 42 years, Clerk (Work Section), D.R.M's Office, N.R., Allahabad.
17. Smt. Kunkum Paul w/o Late P.K. Paul, a/a 43 years, Senior Clerk (Works Branch), D.R.M's Office, N.R., Allahabad.
18. Smt. Purvi Sarkhel w/o Late S.K. Sarkhel, a/a 45 years, Senior Clerk (Works Branch), D.R.M's Office, N.R., Allahabad.
19. Smt. Suraj Kali Shukla w/o Late Sri Kant Shukla, a/a 46 years, Peon, D.R.M's Office, N.R., Allahabad.
20. Smt. Vidya Wati Srivastava w/o Late K.K. Srivastava, a/a 33 years, Peon (Record), D.R.M's Office, N.R., Allahabad.
21. Smt. Madhu Shama w/o R.K. Shama, a/a 40 years, Clerk (Personnel Branch), D.R.M's Office, N.R., Allahabad.
22. Smt. Sushma Devi w/o Late Suresh Chandra Agarwal, a/a 35 years, Clerk (Personnel Branch), D.R.M's Office, Northern Railway, Allahabad.
23. Smt. Kaniz Sugra w/o Late Atique Hussain, a/a 43 years, Peon (Record), D.R.M's Office, N.R., Allahabad.
24. Smt. Vinno Devi w/o Late U.R. Srivastava, a/a 45 years, Peon (Record), D.R.M's Office, N.R., Allahabad.
25. Smt. Rani Devi w/o Late Bankey Ram, a/a 46 years, Peon (Record), D.R.M's Office, N.R., Allahabad.
26. Smt. Nanki Devi w/o Late Bachcha Lal, a/a 44 years, Peon (Record) Section), D.R.M's Office, N.R., Allahabad.
27. Smt. Manta Dass w/o Late R.N. Das, a/a 35 years, Clerk (Works Branch), D.R.M's Office, N.R., Allahabad.



28. Smt. Meena Chatterjee w/o Late T.P. Chatterjee, a/a 43 years, Clerk (Personnel Branch), D.R.M.'s Office, N.R., Allahabad.
29. Smt. Lipika Sarkhel w/o Late J.J. Sarkhel, a/a 43 years, Senior Clerk (Personnel Branch), DRM's Office, N.R., Allahabad.
30. Smt. Reena Bose w/o Late Manas Bose, a/a 32 years, Clerk (Works Branch), DRM's Office, N.R., Allahabad.
31. Smt. Reena Bala Sinha w/o Late R.D. Sinha, a/a 31 years, Clerk (Works Accounts), DRM's Office, N.R., Allahabad.
32. Smt. Suneeta Shama w/o Late Ram Gopal Shama, a/a 32 years, Clerk (Personnel Branch), DRM's Office, N.R., Allahabad.
33. Smt. Kamla Devi w/o Late Vishwanath, a/a 45 years, Peon, DRM's Office, N.R., Allahabad.

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..... Applicants.

Counsel for applicants : Sri K.N. Katiyar.

Versus

1. Union of India through the Chairman, Railway Board (Secretary, Ministry of Railways), Rail Bhawan, New Delhi.
2. The General Manager, Northern Railway, Baroda House, New Delhi.
3. The Financial Advisor and Chief Accounts Officer, Northern Railway, Baroda House, New Delhi.
4. The Divisional Railway Manager, Northern Railway, Allahabad.
5. The Senior Divisional Accounts Officer, Northern Railway, Allahabad.....

..... Respondents.

Counsel for respondents : Sri A.K. Shukla.

O R D E R (ORAL)BY MR. JUSTICE R.R.K. TRIVEDI, V.C.

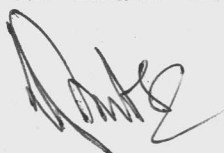
By this O.A., the applicants have claimed Dearness Allowance on the family pension. The applicants are widows of Ex-Railway employees, who have been given compassionate appointments and they are also getting family pension. They claim Dearness Allowance on the family pension, which has been denied, aggrieved by which the applicants have approached this tribunal.

2. ~~The facts of the case have~~ ^{This question is} been considered by the




Hon'ble Supreme Court in case of Union of India & others Vs. G. Vasudevan Pillay & others (1995) 29 ATC 180. Hon'ble Supreme Court has held that the denial of Dearness relief on pension/ family pension in cases of those ex-service men, who got re-employment or whose dependents have got re-employment is legal and just. The decision to reduce the enhanced pension from pay of those ex-servicemen only who were holding civil posts on 1.1.1986 following their re-employment is, however, unconstitutional. The present case is squarely covered by the view^u expressed by the Hon'ble Supreme Court that Dearness relief on family pension in case of those who got re-employment has rightly been refused. Thus, the applicants are not entitled for any relief. Accordingly, the O.A. is dismissed.

No order as to costs.



A.M.



V.C.

Asthana/
3.7.02