A

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

Original Application No. 105 of 2006
w i th
OA Nos. 166, 365, 433, 434, 435 and 436 of 2006

Thursday, this the 11th day of January, 2007.

C O R A M :
HON'BLE DR. K B S RAJAN, JUDICIAL MEMBER

1. O.A. NO. 105 OF 2006

L. Chandramathy Amma,
W/o. Late Karunakaran,
Flat No. C/44, NGO Quarters,
Marikunnu P.O., Kozhikode - 12 ... Applicant.

(By Advocate Mr. Shafik M.A.)

v e r s u s

1. Union of India,
Represented by the General Manager,
Southern Railway, Chennai - 3

2. The Senior Divisional Personnel Officer,
Southern Railway, Palghat Division,
Palghat. ... Respondents.

(By Advocate Ms. P.K. Nandini)

2. O.A. NO. 166 OF 2006

1. P.N. Padmavathy,
W/o. Late Balakrishnan,
Parappurath House,
Malappuram, Olavakkode,
Palakkad - 678 002

2. P.V. Santhakumari,
W/o. Late Sankaranarayanan,
"Sreeragam", Near Hemambika High School,
Kallikulangara P.O., Palakkad : 678 009 ... Applicants.

(By Advocate Mr. Shafik M.A.)

versus

1. Union of India,
Represented by the General Manager,
Southern Railway, Chennai – 3

2. The Senior Divisional Personnel Officer,
Southern Railway, Palghat Division,
Palghat. ... Respondents.

(By Advocate Ms. P.K. Nandini)

3. O.A. NO. 365 OF 2006

P. Ammini,
W/o. Late V.K. Velayudhan,
Office Superintendent Grade II,
Mechanical Bills Section,
Personnel Branch, Southern Railway,
Palghat Division, Palghat,
Resding at KMA Sons,
Near KSEB Office,
Railway Colony, Palghat ... Applicant.

(By Advocate Mr. Shafik M.A.)

versus

1. Union of India,
Represented by the General Manager,
Southern Railway, Chennai – 3

2. The Senior Divisional Personnel Officer,
Southern Railway, Palghat Division,
Palghat.

3. The Assistant Personnel Officer/Engg.
Southern Railway, Palghat Division,
Palghat. ... Respondents.

(By Advocate Mr. Sunil Jose)

4. O.A. NO. 433 OF 2006

Smt. Jameela Beevi,
W/o. Late M. Hyder,
Residing at 'Parapalla House', Kamba,
Kinavallure P.O., Parli, Palghat ... Applicant.

(By Advocate Mr. Shafik M.A.)

versus

1. Union of India,
Represented by the General Manager,
Southern Railway, Chennai – 3

2. The Senior Divisional Personnel Officer,
Southern Railway, Palghat Division,
Palghat.

3. The Assistant Personnel Officer/Engg.
Southern Railway, Palghat Division,
Palghat. ... Respondents.

(By Advocate Mr. P. Haridas)

5. O.A. NO. 434 OF 2006

P. Santha,
W/o. Late Velayudhan,
Peon, Operating Branch,
Southern Railway Division Office,
Palghat Division, Palghat,
Residing at 'Palakkal House',
Thomas Nagar, Kakkanni,
Kallekulangara, Palghat. ... Applicant.

(By Advocate Mr. Shafik M.A.)

versus

1. Union of India,
Represented by the General Manager,
Southern Railway, Chennai – 3

2. The Senior Divisional Personnel Officer,
Southern Railway, Palghat Division,
Palghat.

3. The Assistant Personnel Officer/Engg.
Southern Railway, Palghat Division,
Palghat. ... Respondents.

(By Advocate Mr. Thomas Mathew Nellimoottil)

6. O.A. NO. 435 OF 2006

P. Sumathy,
W/o. Late K.M. Chandrasekharan,
Senior Clerk, personnel Branch,
Crew Booking Office, Shornur,
Soutehrn Railway, Palghat Division,
Residing at 'Ponnemkunnath House",
Cheruthuruthy, Trichur District. ... Applicant.

(By Advocate Mr. Shafik M.A.)

versus

1. Union of India,
Represented by the General Manager,
Southern Railway, Chennai –.3

2. The Senior Divisional Personnel Officer,
Southern Railway, Palghat Division, Palghat.

3. The Assistant Personnel Officer/Engg.
Southern Railway, Palghat Division,
Palghat. ... Respondents.

(By Advocate Mr. Sunil Jose)

7. O.A. NO. 436 OF 2006

V.P. Santhakumari,
W/o. Late A.B. Arunagirinathan,
Senior Record Sorter, Mechanical branch,
Southern Railway, Palghat Division, Palghat,
Residign at No. 153-A, Railway Quarters,
Hemambika Nagar, Palghat. ... Applicant.

(By Advocate Mr. Shafik M.A.)

versus

1. Union of India,
Represented by the General Manager,
Southern Railway, Chennai – 3

2. The Senior Divisional Personnel Officer,
Southern Railway, Palghat Division,
Palghat.

3. The Assistant Personnel Officer/Engg.
Southern Railway, Palghat Division,
Palghat. ... Respondents.

(By Advocate Ms. P.K. Nandini)

The Original Applications having been heard on 3.1.2007, this Tribunal on 11.1.2007 delivered the following :

ORDER

HON'BLE DR. K B S RAJAN, JUDICIAL MEMBER

As a common question, as contained in the succeeding para is involved in all these cases, this common order is passed in respect of all these cases.

The question: Whether order dated 3rd February, 2000 of the Ministry of Personnel, extended to the Railways vide order dated 08-03-2000 with regard to enhancement of Family Pension in the wake of the V Central Pay Commission Recommendations is applicable to the applicants.

2. The Railway Board under order dated 08-03-2000 circulated a copy of DOP & PW OM dated 03-02-2000 according to which the V Central Pay

Commission recommended that for determining the compensation payable for death or disability under different circumstances, cases could be broadly categorized in five distinct categories one of which is Category 'C' – Death or disability due to accidents in the performance of duties. Some examples are accidents while travelling on duty in government vehicles or public transport, a journey on duty performed by service aircraft, mishaps at sea, electrocution etc., The Pay Commission recommended various relief packages for such categories, in modification of the existing provisions on the subject and one such recommendation in respect of the aforesaid category 'C' is Family pension and the same is as under:-

1. Distinction between widows without children or those with children, for determination of the quantum of Extra-ordinary family pension shall stand abolished. The quantum of monthly extra-ordinary family pension for all categories of widows shall be:

   (a) Where the deceased Government servant was not holding a pensionable post – 40% of basic pay subject to a minimum of Rs. 1,650/-.

   (b) Where the deceased Government servant was holding a pensionable post – 60% of basic pay subject to a minimum of Rs. 2,500/-.

2. In case where the widow dies or remarries, the children shall be paid family pension at the rates mentioned at (a) or (b) above, as applicable, and the same rate shall also apply to fatherless/motherless

children. In both cases, family pension shall be paid to children for the period during which they would have been eligible for family pension under the CCS (Pension) Rules. Dependent parents/brothers/sisters etc., shall be paid family pension one-half the rate applicable to widows/fatherless or motherless children.

3. The applicants through these OAs claim the above benefit as the same is refused to them by the respondents.

4. In so far as the facts are concerned, the O.As could be grouped into two, one consisting of OA No. 105/06 and 166/06, wherein there is complete rejection of the claim of the applicants for revision of family pension, and the other consisting the rest of the O.As, where, after granting the revised family pension, the same is sought to be withdrawn, with a further attempt to recover the amount paid so far. Brief Facts as contained in the respective O.As:-

(a) OA 105/06:

The applicant is the widow of late D. Karunakaran, Ex Ticket Collector who met with an accident whilst on duty and died on 25-10-1979. Compensation on account of death while on duty was also paid to the family of the deceased consequent to filing Workmen Compensation case No. 22/81 under Workmen's Compensation Act, 1923. The applicant was paid family pension of Rs 175/- from 1979 onwards and the family pension continues and w.e.f. 01-01-1996 the extent of

family pension has been Rs. 1,275/- plus Dearness Relief.

The applicant was not aware of the order dated 08-03-2000 and she came to know that the said order has been put in vogue in respect of family pensioners, similarly situated as the applicant and on her coming to know of the same in 2003, she penned a representation dated 04.11.2003 and requested the authorities to revise her family pension as Rs. 2,500/- plus Dearness Relief. Another representation dated 24.12.2004 was also made as there was no response to the previous one. As this also did not evince any response, she approached the Pension Adalat on 03-10-2005 and it was in response to the said application that the respondents had issued the Annexure A-1 impugned order dated 25-11-2005 which inter alia reads as under:-

> *"Regarding revision of family pension requested for by you, it has to be adviswed that inasmuch as lump sum compensation under Workmen Compensation Act has been paid revision of pension is not applicable as per para 1202 of Chapter 12 of Indian Railway Establishment Code Vol. I"*

It is against the above communication that the applicant has filed this O.A.

(b) OA No. 166/2006

The first applicant is the widow of late Balakrishnan, Ex Under Guard (brakes man) of Palghat Division, who died on 20-05-1971 while on duty and the second applicant is the widow of late Sankara Narayanan, Ex. Electrical Khalasi under Electrical Chargeman, Southern Railway, Palghat who died on 14.2.1969 while on duty. Compensation on account of death while on duty was also paid to the families of the deceased under Workmen's

Compensation Act, 1923. The applicants were paid family pension of Rs 175/- from 1969 and 1971 onwards respectively and the family pension continues and w.e.f. 01-01-1996 the extent of family pension has been Rs 1,275/ plus Dearness Relief.

The applicants were not aware of the order dated 08-03-2000 and they came to know that the said order has been put in vogue in respect of family pensioners, similarly situated as the applicants and on their coming to know of the same in 2003, they penned a representation dated 16-10-2003 and 8.12.2003 respectively and requested the authorities to revise their family pension as Rs. 2,500/- plus Dearness Relief. Another representation dated 16-12-2004 was also made made by the second applicant as there was no response to the previous one. As this also did not evince any response, the first applicant approached the Pension and it was in response to the said application that the respondents had issued the Annexure A-7 impugned order dated 7-11-2005 which inter alia reads as under:-

> "Your representation was examined in detail in the light of the clarification received from the Headquarters Office. In terms of para 2 of Part III of Railway Services (Extra Ordinary Pension) Rules, 1993, the provisions under the Rule will apply to Railway servant other than those to whom the Workmen's Compensation Act, 1923 apply. Hence you are not entitled for payment of Extra-ordinary Family Pension."

It is against the above communication that the applicants have filed this O.A.

(c) OA 365/06:

The applicant is the widow of late V.K. Velayudhan, Ex LR Porter of

Palghat Division in Southern Railway who met with an accident whilst on duty and died on 29-07-1974. Compensation on account of death while on duty was also paid to the family of the deceased consequent to filing Workmen Compensation case No. 80/74 under Workmen's Compensation Act, 1923. The applicant was paid family pension of Rs. 118/- from 1976 onwards and the family pension continues and w.e.f. 01-01-1996 the extent of family pension has been Rs. 1,275/- plus Dearness Relief.

The applicant, on coming to learn the revision in the family pension as per order dated 08-03-2000, approached the authorities which having considered the case of the applicant revised the family pension to Rs. 2,500/- p.m. and also paid arrears of difference the enhanced family pension and the pension earlier drawn, to the tune of Rs 1,66,411/-. However, by a show cause notice dated 14-03-2006, the respondents sought to reduce the family pension to the original amount of Rs. 1,275/- in addition to recovering the arrears paid. The applicant had made Annexure A-8 representation dated 04-04-2006. This representation has been rejected by the impugned Annexure A-1 order dated 19-05-2006 holding that the benefit of Extraordinary Family Pension can be extended only to those who are not covered under Workman Compensation Act, 1923 and in the case of the applicant since compensation was paid the applicant is not entitled to the extra ordinary family pension. It is this order that is under challenge in this O.A.

(d) OA 433/06:

The applicant is the widow of late M. Hyder, Senior Key Man of Palghat Division in Southern Railway, who met with an accident whilst on duty and died on 16.4.1985. Compensation on account of death

while on duty was also paid to the family of the deceased consequent to filing Workmen Compensation case under Workmen's Compensation Act, 1923. The applicant was paid family pension of Rs. 150/- plus relief from 1985 onwards and the family pension continues and w.e.f. 01-01-1996 the extent of family pension has been Rs. 1,275/- plus Dearness Relief.

The applicant, on coming to learn the revision in the family pension as per order dated 08-03-2000, approached the authorities which having considered the case of the applicant revised the family pension to Rs. 2,500/- p.m. and also paid arrears of difference the enhanced family pension and the pension earlier drawn, to the tune of Rs 1,35,000/-. However, by a show cause notice dated 14/15-2-2006, the respondents sought to reduce the family pension to the original amount of Rs. 1,275/- in addition to recovering the arrears paid. The applicant had made Annexure A-7 representation dated 28-02-2006. This representation has been rejected by the impugned Annexure A-1 order dated 15-05-2006 holding that the benefit of Extraordinary Family Pension can be extended only to those who are not covered under Workman Compensation Act, 1923 and in the case of the applicant since compensation was paid the applicant is not entitled to the extra ordinary family pension. It is this order that is under challenge in this O.A.

(e) OA 434/06:

The applicant is the widow of late Velayudhan, Weigh Bridge Fitter, Mechanical Branch of Palghat Division in Southern Railway, who met with an accident whilst on duty and died on 20.3.1991. Compensation on account of death while on duty was also paid to the family of the

deceased consequent to filing Workmen Compensation case under Workmen's Compensation Act, 1923. The applicant was paid family pension of Rs. 594/- from 1991 onwards and the family pension continues and w.e.f. 01-01-1996 the extent of family pension has been Rs 1,275/- plus Dearness Relief.

The applicant, on coming to learn the revision in the family pension as per order dated 08-03-2000, approached the authorities which having considered the case of the applicant revised the family pension to Rs. 2,500/- p.m. and also paid arrears of difference the enhanced family pension and the pension earlier drawn, to the tune of Rs 1,35,000/-. However, by a show cause notice dated 15-02-2006, the respondents sought to reduce the family pension to the original amount of Rs. 1,275/- in addition to recovering the arrears paid. The applicant had made Annexure A-7 representation dated 28-02-2006. This representation has been rejected by the impugned Annexure A-1 order dated 15-05-2006 holding that the benefit of Extraordinary Family Pension can be extended only to those who are not covered under Workman Compensation Act, 1923 and in the case of the applicant since compensation was paid the applicant is not entitled to the extra ordinary family pension. It is this order that is under challenge in this O.A.

(f) OA 435/06:

The applicant is the widow of late K.M. Chandrasekharan, Assistant Station Master, who met with an accident whilst on duty and died on 12-06-1984. Compensation on account of death while on duty was also paid to the family of the deceased consequent to filing Workmen Compensation case No. A.209/85 under Workmen's Compensation

Act, 1923. The applicant was paid family pension of Rs 165/- from 1984 onwards and the family pension continues and w.e.f. 01.01.1996 the extent of family pension has been Rs. 1,275/- plus Dearness Relief.

The applicant, on coming to learn the revision in the family pension as per order dated 08-03-2000, approached the authorities which having considered the case of the applicant revised the family pension to Rs 2,500/- p.m. and also paid arrears of difference the enhanced family pension and the pension earlier drawn, to the tune of Rs 1,37,000/-. However, by a show cause notice dated 15-03-2006, the respondents sought to reduce the family pension to the original amount of Rs 1,275/- in addition to recovering the arrears paid. The applicant had made Annexure A-7 representation dated 20-04-2006. This representation has been rejected by the impugned Annexure A-1 order dated 18-05-2006 holding that the benefit of Extraordinary Family Pension can be extended only to those who are not covered under Workman Compensation Act, 1923 and in the case of the applicant since compensation was paid the applicant is not entitled to the extra ordinary family pension. It is this order that is under challenge in this O.A.

(g) <u>OA No. 436/2006</u>

The applicant is the widow of late A.N. Arunagirinathan, ex Trolley man who who met with an accident whilst on duty and died on 16-07-1979. Compensation on account of death while on duty was also paid to the family of the deceased consequent to filing Workmen Compensation case No.5/82 under Workmen's Compensation Act, 1923. The applicant was paid family pension of Rs 106/- from 1979 onwards and

the family pension continues and w.e.f. 01-01-1996 the extent of family pension has been Rs 1,275/ plus Dearness Relief.

The applicant, on coming to learn the revision in the family pension as per order dated 08-03-2000, approached the authorities which having considered the case of the applicant revised the family pension to Rs. 2,500/- p.m. and also paid arrears of difference the enhanced family pension and the pension earlier drawn, to the tune of Rs 1,64,923/-. However, by a show cause notice dated 14-03-2006, the respondents sought to reduce the family pension to the original amount of Rs 1,275/- in addition to recovering the arrears paid. The applicant had made Annexure A-7 representation dated 27-03-2006. This representation has been rejected by the impugned Annexure A-1 order dated 15-05-2006 holding that the benefit of Extraordinary Family Pension can be extended only to those who are not covered under Workman Compensation Act, 1923 and in the case of the applicant since compensation was paid the applicant is not entitled to the extra ordinary family pension. It is this order that is under challenge in this O.A.

5. Respondents have contested the OAs. According to them, entitlement to the extraordinary family pension is available only to those who were not the beneficiaries of compensation under the Workmen Compensation Act. In this regard, attention was invited to Para 1202 of IREC Vol-I which reads that compensation to Railway servants for death or injuries attributable to and due to Railway service shall be awarded under the Workmen's Compensation Act, 1923. In cases where the Workmen's Compensation Act is not applicable, the compensation shall be granted under

the Railway Services Extra-ordinary Pension Rules, as amended from time to time. Attention was also invited to para 4 of the order dated 03-02-2000 which stipulates, *"Other terms and conditions in the CCS(EOP) Rules and Liberalized Pensionary Awards Scheme which are not specifically modified by these orders shall continue to remain operative." According to the Railway Services (Extraordinary Pension) Rules, 1993, application of the same would be in respect of Railway servants other than those to whom the Workmen's Compensation Act 1923 applied.* In respect of OA No. 105/06, respondents have raised the question of limitation also.

6. Rejoinders have been filed, reiterating the stand taken in the O.A. that the applicants were paid Family Pension and it was that which has now been modified and as such, there is no embargo to derive the benefits now available notwithstanding the fact that compensation was paid under Workmen Compensation Act, 1923.

7. Counsel for the applicant argued that the order dated 03-02-2000 of the Ministry of Personnel, as extended to the Railways vide order dated 08.03.2000 contains the subject –" ***Special benefis in cases of death and disability in service – Payment of disability pension/family pensions – recommendations of the Vth CPC."*** It is the case of the applicant that what had been enhanced is the already entitled family pension, which the applicants are getting from the date of death of their respective spouses and

as such, family pension when revised, should be paid to the applicants and the same has no link with Workmen's compensation Act nor can the receipt of compensation at the time of demise of the spouse could come in the way of the entitlement to the enhanced family pension.

8. Counsel for the respondents however argued that there is a specific mention in the order dated 03-02-2000 that other terms and conditions as provided for in the EOP Rules would continue to apply if these were not specifically modified by the said order. As such, the fact that applicability of Extra ordinary family pension is not available to those who are in receipt of compensation under the Workmen's compensation Act, 1923, vide the 1993 Rules, the applicants are not entitled to the enhanced quantum of Extra Ordinary Family Pension.

9. Arguments were heard and documents perused. First as to limitation in respect of OA 105/06. According to the respondents, as the basis of the claim is order dated 3rd February, 2000 extended to the Railways vide order dated 8th March,2000, the applicant ought to have come to the Tribunal within one year from the date of the said order and as such, the case of the applicant is time barred. Before considering this argument, in respect of grant of family pension, that too to the illiterate/semi literate widows who are the spouses of low paid employees, the Apex Court in the case of ***S.K. Mastan Bee v. G.M., South Central Rly.,(2003) 1 SCC 184,*** held as

under:-

6. We notice that the appellants husband was working as a Gangman who died while in service. It is on record that the appellant is an illiterate who at that time did not know of her legal right and had no access to any information as to her right to family pension and to enforce her such right. On the death of the husband of the appellant, it was obligatory for her husbands employer viz. the Railways, in this case to have computed the family pension payable to the appellant and offered the same to her without her having to make a claim or without driving her to a litigation. The very denial of her right to family pension as held by the learned Single Judge as well as the Division Bench is an erroneous decision on the part of the Railways and in fact amounting to a violation of the guarantee assured to the appellant under Article 21 of the Constitution. The factum of the appellants lack of resources to approach the legal forum timely is not disputed by the Railways. The question then arises on facts and circumstances of this case, was the Appellate Bench justified in restricting the past arrears of pension to a period much subsequent to the death of the appellants husband on which date she had legally become entitled to the grant of pension? In this case as noticed by us hereinabove, the learned Single Judge had rejected the contention of delay put forth by the Railways and taking note of the appellants right to pension and the denial of the same by the Railways illegally considered it appropriate to grant the pension with retrospective effect from the date on which it became due to her. The Division Bench also while agreeing with the learned Single Judge observed that the delay in approaching the Railways by the appellant for the grant of family pension was not fatal, in spite of the same it restricted the payment of family pension from a date on which the appellant issued a legal notice to the Railways i.e. on 1-4-1992. We think on the facts of this case inasmuch as it was an obligation of the Railways to have computed the family pension and offered the same to the widow of its employee as soon as it became due to her and also in view of the fact that her husband was only a Gangman in the Railways who might not have left behind sufficient resources for the appellant to agitate her rights and also in view of the fact that the appellant is an illiterate, the learned Single Judge, in our opinion, was justified in granting the relief to the appellant from the date from which it became due to her, that is the date of the death of her husband. Consequently, we are of the considered opinion that the Division Bench fell in

error in restricting that period to a date subsequent to 1-4-1992.

7. In the said view of the matter, we allow this appeal, set aside the impugned order of the Division Bench to the extent that it restricts the right of the appellant to receive family pension only from 1-4-1992 and restore that right of the appellant as conferred on her by the learned Single Judge, that is from the date 21-11-1969. The Railways will take steps forthwith to compute the arrears of pension payable to the appellant w.e.f. 21-11-1969 and pay the entire arrears within three months from the date of the receipt of this order and continue to pay her future pension.

8. For the reasons stated above, this appeal succeeds to the extent mentioned hereinabove and the same is allowed with costs of Rs. 10,000/- (Rs. ten thousand only).

The above ratio applies to the present case as well and as such, preliminary objection on limitation in respect of OA 105/06 has to be necessarily rejected.

10. Now on merit in respect of all the cases. It is the admitted fact that the applicants are in receipt of family pension. It is also equally admitted that the railway servant in all such cases died while on duty, caused by accidents. Equally admitted is the fact that Workmen compensation was paid for the death due to accident while performing the duty. Equally admitted is the further fact that in all cases, the applicants are paid the family pension notwithstanding the fact that at the time of death of the railway servants, workmen compensation was also paid. Thus, the applicants are continuously drawing the family pension and their cases fall under Category 'C' under the 3rd Feb., 2000 Rules. And, the modification of

family pension to this category, as per the recommendations of the Vth CPC, and duly accepted by the Government/Railways is 60% of pay subject to a minimum of Rs 2,500/- plus dearness relief. Thus, the claim of the applicant is only payment of extra-ordinary family pension at the revised scale. In other words, the Railways have admitted the fact of the applicants' entitlement to family pension which stand sanctioned to the applicants from the time of the death of their spouse, and, order dated 3rd Feb. 2000 read with order dated 8-03-2000, is only a modification of the quantum of such pension, which the applicants have been already receiving, and therefore, linking this with Compensation under the Workmen Compensation Act, 1923 and consequently denying them of the benefit referring to para 4 or order dated 3rd February, 2000 is illegal. Put differently, when the drawal of family pension by the applicants has not been affected by virtue of their having received the compensation under the Workmen Compensation Act, 1923, modification of the quantum of such family pension also cannot be affected on the ground that the applicants were the beneficiary under the Workmen's Compensation Act, 1923, of compensation at the time of the demise of their spouse.

11. Thus, O.As Nos. 105/06, 166/06, 365/06, 433/06, 434/06, 435/06 and 436/06 ***are all allowed***. The impugned orders in all these cases are quashed and set aside. It is declared that the applicants are entitled to modified quantum of the family pension drawn by them. Hence, there is no

question of recovery of the arrears paid to applicants who have been so paid. Respondents shall continue to pay the applicants in all these O.As, the enhanced family pension. In so far as the applicants in OAs 105/06 and 166/06 are concerned, they are to be paid the revised family pension at the rate of Rs. 2,500/- plus dearness relief from 01-01-1996. Respondents are directed to work out the same and pay the applicants in OAs No. 105/06 and 166/06 the arrears of difference in the family pension due to and drawn by them, within a period of six months from the date of communication of this order. However, in so far as revised family pension to the said applicants is concerned, the same shall be made available to the applicants within two months from the date of communication of this order. (Time limit of six months as contained above is only in respect of payment of arrears).

12. Under the above circumstances, there shall be no orders as to costs.

(Dated, the 11th January, 2007)

Dr. K B S RAJAN
JUDICIAL MEMBER

cvr.