

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

.....

O.A. No. 39 of 1994.

Monday this the 10th day of July, 1995.

HON'BLE MR. P. SURYAPRAKASAM, JUDICIAL MEMBER

1. S. Sobhanakumari,
Regular Mazdoor,
O/o the Assistant Engineer,
PCM, Trivandrum-23.
 2. L. Thankamony,
Regular Mazdoor,
O/o the SDO Telegraphs,
Nedumangad.
 3. D. Santhamma,
T.O.A., O/o the A.E. Phones,
Punalur.
 4. P. Rajeswari Amma,
Group 'D', Telephone Exchange,
Punalur.
 5. K.N. Saraswathy Amma,
Telecom Office Assistant,
O/o the A.E. Phones,
Kottarakkara.
 6. B. Leelamma,
Group 'D', O/o the SDO,
Telegraph, Kottarakkara.
 7. G. Sreedevikutty Amma,
Group 'D', O/o the A.E.
Phones, Kottarakkara.
 8. A. Ludhiyamma,
Group 'D', O/o the A.E.,
Phones, Kottarakkara.
 9. N.D. Marykutty,
Telegraph Assistant, Central
Telegraph Office, Kottarakkara.
 10. B. Sukumari,
Office Assistant, Kerala Agro-
Industries Corporation Ltd.,
Trivandrum.
- : Applicants.

Vs.

1. Union of India, represented by
Secretary, Department of Telecom,
Government of India, New Delhi.
 2. Chief General Manager, Telecom,
Kerala Circle, Trivandrum-33.
- : Respondents.

.....2/-

3. General Manager,
Telecom, Trivandrum Dist.,
Trivandrum-23.
4. Telecom District Manager,
Kollam.
5. Dy. Director, Postal Accounts,
Kerala Circle, Trivandrum-10. .. Respondents
(By Advocate Shri Bahuleyan for TPM Ibrahim Khan, SCGSC)

O R D E R

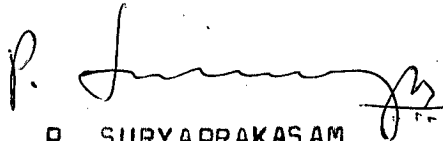
P. SURYAPRAKASAM, JUDICIAL MEMBER

Applicants are recipients of family pension from Government of India. They are employed in the Department of Telecom and Agro-Industries Corporation and are seeking a declaration that sub-Clause (ii) of Rule 55-A of the CCS (Pension) Rules 1972 is unreasonable, discriminative and violative of the Provisions of Constitution of India and also to declare the orders passed by the respondents i.e. Annexures A2, A4, A6, A8, A10, A12, A14 and A18 are illegal and invalid and also to direct respondents to pay dearness relief on family pension including arrears of relief from the dates of their respective withdrawal or denial and future dearness relief at such rates as may be fixed by the Government from time to time for family pensioners. A similar prayer has been declined by the Supreme Court in Union of India and others Vs. G. Vasudevan Pillay and others (JT 1995 (1) SC 417). Counsel for applicant submits that a review application has already been filed and is pending before the Supreme Court.

2. Following the decision of Supreme Court, I dismiss the application. Applicants may seek review in the event of

Supreme Court reviewing the judgement reported in
JT 1995 (1) SC 417. Accordingly, there is no order as
to costs.

Monday this the 10th day of July, 1995.


P. SURYAPRAKASAM
JUDICIAL MEMBER

rv10/7

LIST OF ANNEXURES

- Annexure-A2 : True copy of order No.TA/54/93-94/31
dtd. 19.8.1993 issued by the 3rd respondent.
- Annexure A4: True copy of order No.TA/54/93-94/23
dtd. 12.10.1993 issued by the 3rd respondent.
- Annexure A6: True copy of order No.H.2/Genl/ PEN/II/50
dtd. 26.11.1993 issued by the 4th respondent.
- Annexure A8: True copy of order No.E.2/Genl/PEN/II/50
dtd. 26.11.1993 issued by the 4th respondent.
- Annexure A10: True copy of order No.E2/Genl/PEN/II/51
dtd. 26.11.1993 issued by the 4th respondent.
- Annexure A12: True copy of order No.E.2/Genl/PEN/II/24
dtd. 27.12.1993 issued by the 4th respondent.
- Annexure A14: True copy of order No.E2/Genl/PEN/II/53
dtd.27.12.90 issued by the 4th respondent.
- Annexure A18: True copy of order No.TA/54/25 dtd. 23.11.93
issued by the 3rd respondent.