

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Miscellaneous Appn. No. 146 of 94

Second Floor,
Commercial Complex,
Indiranagar,
Bangalore-38.

in

Dated: 15 MAR 1994

APPLICATION NO(s) 236/93 & 242 to 257/93

APPLICANTS:

Smt. Tajunnissa and 16 others v/s. Chief General Manager, Telecom, Bangalore and others.

TO.

1. Dr. M.S. Nagaraja, Advocate, No. 11, Second Floor, First Cross, Sujatha Complex, Gandhinagar, Bangalore-9.
2. The Chief General Manager, Karnataka Telecom Circle, Old Madras Road, Ulsoor, Bangalore-8.
3. Sri. M. Vasudeva Rao, Addl. Central Govt. Stg. Counsel, High Court Bldg, Bangalore-1.

SUBJECT:- Forwarding of copies of the Orders passed by the Central Administrative Tribunal, Bangalore.

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Please find enclosed herewith a copy of the ORDER/STAY ORDER/INTERIM ORDER/, Passed by this Tribunal in the above mentioned application(s) on 11-03-94.

0/C 15.3.94 Se Shambu
Issued on 15.3.94
For DEPUTY REGISTRAR
JUDICIAL BRANCHES.

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In the Central Administrative Tribunal
 Bangalore Bench,
 Bangalore

Office Notes

D9/9

- 7 -

ORDER SHEET

236/93 & 242 to 257/93

Application No..... 89998

Applicant Smt. Tajruissa and
 Sixteen others vs Respondent
 Chief General Manager
 Karnataka Telecom Circle, Bangalore

Advocate for Applicant

Dr. M.S. Nagaraja,

Advocate for Respondent

Sh. M. Vasudeva Rao,
 Addl. C.G.S.C.

Date	Office Notes	Orders of Tribunal
		<p><u>ORDERS ON MA 146/94</u></p> <p><u>VR (MA) / ANV (MJ)</u></p> <p>11.3.1994</p> <p>We have heard Shri M.V. Rao for the department with reference to the miscellaneous application for extension of time by a period of six months to comply with the directions of the Tribunal in OA 236/93 & 242 to 257/93 rendered on 19th October, 1993. We have heard Dr.M. S. Nagaraja for the applicants in the original application.</p> <p>We have enquired of the learned standing counsel whether the department is planning to file an SLP in the Supreme Court against the Tribunal's order. He says that he has no instruction on the same. Shri Rao is not able to throw any light with regard to the details of the reference stated to have been made by the Department of Telecommunications to the Department of Personnel or the present stage of the case.</p>

....8/-

Date	Office Notes	Orders of Tribunal
		<p>In the circumstances of the case, we hold that it is proper that the Department should pay dearness relief in respect of the family pension due for the month of March, 1994 alongwith payment of such family pension when such payment of family pension falls due. This should continue for the subsequent months also. As regards the arrears to be given as per the directions of this Tribunal, the same should be paid within two months from the date of receipt of a copy of this order.</p> <p>Accordingly MA 146/94 is disposed of.</p> <p>Sd- M(J) 11/3/94</p> <p>Sd- 14/3/1994 M(A)</p> <p><i>Re Bhaukar</i> (S) SECTION OFFICER ADDITIONAL JUDGE TRIBUNAL ADDITIONAL BENCH BANGALORE</p>

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Second Floor,
Commercial Complex,
Indiranagar,
Bangalore-560038.

Dated: 28 OCT 1993

APPLICATION NO(S) 236/93 and 242 to 257 of 1993.

APPLICANTS: Smt.Tajunnisa and
sixteen Others.
TO.

RESPONDENTS: Chief General Manager,
Telecommunications, Bangalore & Others.

1. Dr.M.S.Nagaraja, Advocate, No.11, Second Floor,
First Cross, Sujatha Complex, Gandhinagar, Bangalore-9.
2. The Chief General Manager, Telecommunications, Ulsoor,
Bangalore-8.
3. Sri.M.S.Padmarajaiah, Senior Central Government Standing
Counsel, High Court Building, Bangalore-1.

Subject:- Forwarding of copies of the Order passed by
the Central Administrative Tribunal, Bangalore.

Please find enclosed herewith a copy of the
ORDER/STAY/INTERIM ORDER, passed by this Tribunal in the
above said application(s) on 19-10-1993.

Deputy Registrar
DEPUTY REGISTRAR
JUDICIAL BRANCHES.

gm*

Issued
of
On

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH: :BANGALORE

DATED THIS THE NINETEENTH DAY OF OCTOBER, 1993

Present: Hon'ble Shri S.Gurusankaran, Member (A)
Hon'ble Shri A.N.Vujjanaradhya, Member (C)

APPLICATION NOS. 236/93 AND 242/93 TO 257/93

Smt. Tajunisa,
Alias Mazherunnisa,
Aged about 53 years,
W/o late Abdul Hameed Khan,
Telegraph Assistant,
Central Telegraph Office,
Bangalore-560 001.

Applicant in OA 236/93

2. Smt. Lizzie,
Aged about 63 years,
W/o late A.Gnanam,
Group 'D' (Retd), CTO
Bangalore-560 001.
3. Smt. Sharadamma,
Aged about 50 years,
W/o late B.Venkatachalam,
Group 'D' CTO
Bangalore-560 001.
4. Smt. Venkatamma,
Aged about 45 years,
W/o late T.P. Channamaraiah,
Group 'D' CTO,
Bangalore-560 001.
5. Smt. Munivenkatamma,
aged about 45 years,
W/o late Sri Venkataswamy,
Group 'D' CTO
Bangalore-560 001.
6. Smt. Rani,
aged about 46 years,
W/o late Sri Subramani,
Group 'D' CTO,
Bangalore-560 001.
7. Smt. Rita Ann,
aged about 52 years,
W/o late T.N.Muthuraj,
Group 'D' CTO,
Bangalore-560 001.

8. Smt. Revamma,
aged about 50 years,
W/o late Gangadharaiah,
Group 'D' CTO,
Bangalore-560 001.

9. Smt. Subbalakshiamma,
aged 37 years,
W/o late Sri Krishnappa,
Group 'D' CTO,
Bangalore-560 001.

10. Smt. Lakshmamma,
aged 53 years,
W/o late M.Krishnappa,
Group 'D' CTO,
Bangalore-560 001.

11. Smt. K.Poopathy,
aged 50 years,
W/o late N.Amaravathy,
Group 'D' CTO,
Bangalore-560 001.

12. Smt. Shantha,
aged about 36 years,
W/o late S.Murgesh,
Group 'D' CTO,
Bangalore-560 001.

13. Smt. Jayalakshmamma,
aged about 36 years,
W/o late B.S.Munikrishnappa,
Group 'D' CTO,
Bangalore-560 001.

14. Smt. Jyothi Bai,
Aged about 40 years,
W/o late K.Devaraj,
Group 'D' CTO,
Bangalore-560 001.

15. Smt. Sushila,
Aged about 50 years,
W/o late Rudramani,
Group 'D' CTO,
Bangalore-560 001.

16. Smt. Lalithamma,
Aged about 39 years,
W/o late T.Puttarangaiah,
Group 'D' CTO,
Bangalore-560 001.

17. Smt. A.M.Sushilamma,
Aged about 52 years,
W/o late Gurubasappa,
Telephone Operator,
Bangalore Telephones, Exchange,
Bangalore-560 001.

Applicants in OAs 242/93
to OA 257/93

(Dr. M.S.Nagaraja - Advocate)

Versus

1. The Chief General Manager (Telecom)
Bangalore.
2. The Chief Accounts Officer,
Karnataka Telecom,
Bangalore-560 001.
3. Union of India,
represented by its
Secretary to Government,
Ministry of Communication,
Sanchar Bhavan,
New Delhi-110 002.
4. The Secretary to Government
Ministry of Finance,
Government of India,
New Delhi.

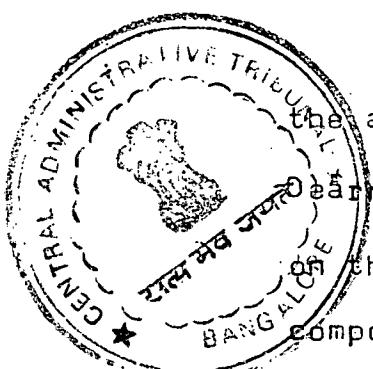
.... Respondents

(Shri M.S.Padmarajaiah - Advocate)

This application having come up for hearing before this Tribunal today; Hon'ble Shri S.Gurusankaran, Member (A) made the following:

O R D E R

The applicants in this case are aggrieved by the action of the respondents in refusing to grant them Dearness Relief on the Family Pension being paid to them on the grounds of the ~~are having~~ having been given employment on compassionate ground consequent to the death of their husbands while in service and ~~had~~ have prayed for declaring that the rule 55 (A) (ii) of CCS (Pension) Rules 1972 (Rupees for short) as null and void and directing the respondents to pay the Dearness relief on the Family Pension they have drawn from the dates of their appointment at the prescribed rates as paid to others, who are not re-employed and continue to pay dearness relief on the



family pension at the prescribed rates. The respondents have filed their reply contesting the application.

2. Today when the case came up for hearing Dr. M.S.Nagaraja, the learned counsel for the applicant drew our attention to the judgement of this bench in OAs 240/93 and 286/93 to 297/93 disposed off by order dated 07.10.1993 and submitted that the facts of these cases ~~are fairly on all fours with those~~ ^{as} in OAs 240/93 and 286/93 to 297/93. Shri M.S.Padmarajaiah appearing for the respondents, in all fairness, admitted that the facts in this case are similar to OAs 240/93 and 286/93 to 297/93. However, he strongly argued and reiterated the points already brought out in the reply of the respondents. He specifically emphasised that whether the applicants are pensioners, ie. those who have retired from service and drawing pension and are re-employed or whether they are widows given compassionate ground appointments on the death of their husbands dying in harness and also receiving family pension, they should also be treated alike and classified as re-employed pensioners. ~~Whereas~~ ^{and} the term ~~family~~ pension should include also family pension. We are unable to agree agree with this submission for the detailed reasons already given by us in the order dated 7.10.93 in OAs 240/93 and 286/93 to 297/93. In that ^{order} we have discussed in detail and held that the widows, who have been given employment on compassionate grounds cannot be brought out under the classification of re-employed pensioners.

At the same time we have also held in that order that since rule 55 (A) (ii) of the rules has specific reference to re-employed pensioners, there were no grounds to declare that rule as null and void. However, for the reasons already detailed in that order dated 7.10.93 the applicants have to succeed.

3. In the result, we allow this application partly and direct the respondents to pay dearness relief on family pension as due at the prescribed rates for three years prior to the date of filing this application subject to verification of the facts that during these period they have not already been paid dearness relief. The respondents are directed to pay the arrears within a period of four months from the date of receipt of a copy of this order. The respondents are also directed to continue to pay dearness relief on family pension. In the circumstances of the there is no orders as to costs.

Sd/-
A.N. Vuppala
19/10/93

MEMBER (J)

Sd/-
MEMBER (A)



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Swami
SECTION OFFICE
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE
28/10/93

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Second Floor,
Commercial Complex,
Indiranagar,
BANGALORE- 560 038.

Dated: 14 DEC 1994

Miscellaneous APPLICATION NO: 368/94 in OJ 236/93 and

APPLICANTS:-

v/s. Smt. Tajunnissa and 13 Others

242 to 257/93

RESPONDENTS:- Chief Gen. Manager, Telecom, Bldg & Others

1. D Dr. M.S. Nagaraja, Advocate, no 11, 2nd floor, 1st cross, Sriyathé Complex, Gandhinagar, Bangalore-9.
2. Sri. N. Vasudeva Rao, Addl. C.G.S.C.
High Court Bldg, Bangalore-1

Subject:- Forwarding of copies of the Order passed by the Central Administrative Tribunal, Bangalore.

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Please find enclosed herewith a copy of the ORDER/ STAY ORDER/INTERIM ORDER/ passed by this Tribunal in the above mentioned application(s) on 06.12.94

Issued on

16/12/94

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for DEPUTY REGISTRAR
JUDICIAL BRANCHES.

gm*

Smt. Jajumna & 1600s, 1/8² Chief G.M. Telecom & ofc.

Date	Office Notes	Orders of Tribunal
		<p><u>Orders on MA 368/94</u> in OA 236 & 242 to 25/93.</p> <p>VR(MA)/ANV(m3) 6/12/94.</p> <p>MA 368/94 seeking extension of time by a period of two months which was from 16.8.94 does not survive because the time has lapsed. So MA 368/94 is disposed of accordingly.</p> <p>Sd- M(J)</p> <p>Sd- Tunim (A).</p> <p>TRUE COPY 14/12/94 Section Officer Central Administrative Tribunal Bangalore Bench Bangalore</p>

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Second Floor,
Commercial Complex,
Indiranagar,
Bangalore-560 038.

Miscellaneous Appln.No.222 of 1994 in

Dated:- 3 MAY 1994

APPLICATION NUMBER: 236/93 and 242 to 257 of 1993.

APPLICANTS:

Smt.Tajunnissa and others v/s. Chief General Manager, Telecom and Others
Te.

RESPONDENTS:

1. Dr.M.S.Nagaraja, Advocate, No.11, Second Floor,
First Cross, Sujatha Complex, Gandhinagar,
Bangalore-9.
2. The Chief General Manager, Karnataka Telecom Region,
No.1, Old Madras Road, Ulsoor, Bangalore-8.
3. Sri.M.Vasudeva Rao, Addl.C.G.S.C., High Court Bldg,
Bangalore-1.

Subject:- Forwarding of copies of the Orders passed by the
Central Administrative Tribunal, Bangalore.

Please find enclosed herewith a copy of the ORDER/
STAY ORDER/INTERIM ORDER/, passed by this Tribunal in the above
mentioned application(s) on 19-05-1994.

Issued on
23/5/94

Re:

- of

*for DEPUTY REGISTRAR
JUDICIAL BRANCHES.*

23/5/94

gm*

**In the Central Administrative Tribunal
Bangalore Bench
Bangalore**

Application No. 235/93 & 242 to of 5/93

Smt Jayanissa & Others

ORDER SHEET (contd)
v/s. Chief General Manager, Telecom. Circle & Others

Date	Office Notes	Orders of Tribunal
		<p>ANV (MJ)/TVR (MA) 19.5.94</p> <p>Heard Shri M.V.Rao for the applicants in MA 222/94. He produces a letter dated 13.5.94 from the Asst. Director General, Dept. of Telecommunications addressed to the Chief General Manager, Karnataka Telecom Circle, Bangalore stating that in similar matters Hon'ble Supreme Court has granted any orders of stay and efforts are made to file SLP in this case also immediately and a decision on that behalf has been taken. Having regard to the fact that in similar matters stay has been granted in SLP, extension of time is granted by three months from 15.5.94. Accordingly MA 222/94 is disposed of.</p> <p style="text-align: right;">Sd/- <i>[Signature]</i></p> <p style="text-align: right;">5d — <i>[Signature]</i></p> <p style="text-align: right;">MEMBER (A) MEMBER (J)</p> <p style="text-align: center;">TRUE COPY</p> <p style="text-align: center;">22/5/94</p> <p style="text-align: center;">SECTION OFFICER CENTRAL ADMINISTRATIVE TRIBUNAL ADDITIONAL BENCH BANGALORE</p>



CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Second Floor,
Commercial Complex,
Indiranagar,
Bangalore-560 038.

Dated:- 18 APR 1994

Miscellaneous Application No.182 of 1994. in

APPLICATION NUMBER: 236/93 & 242 to 257 of 1994.

APPLICANTS:

Smt.Rajunnissa and six ^{teen} others. v/s. Chief General Manager, Telecom,
Te.

RECIPIENTS:

1. Dr.M.S.Nagaraja, Advocate, No.11, Second floor,
first cross, sujatha complex, gandhinagar,
Bangalore-9.
2. The Chief General Manager, Karnataka Telecom Region,
no.1, old madras road, ulsoor, Bangalore-8.
3. Sri.M.Vasudeva Rao, Addl, Central Govt. Stng. Counsel,
High Court Building, Bangalore-1.

Subject:- Forwarding of copies of the Orders passed by the
Central administrative Tribunal, Bangalore.

Please find enclosed herewith a copy of the ORDER/
STAY ORDER/INTERIM ORDER/, passed by this Tribunal in the above
mentioned application(s) on Sixth April, 1994.

Issued on
19/4/94

R.

of

R. Shauver 18/4
for DEPUTY REGISTRAR
JUDICIAL BRANCHES.

gm*

In the Central Administrative Tribunal
 Bangalore Bench,
 Bangalore

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ORDER SHEET

242 to 257/93

Application No..... of 198

Applicant

Respondent

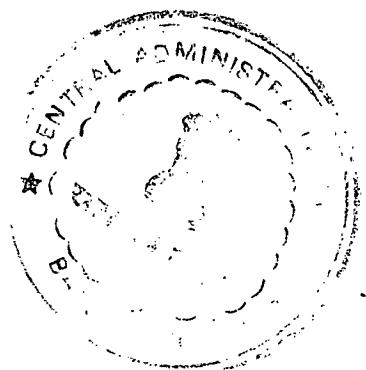
Smt. Tajumissa and 16 others v/s. Cheq. General Manager, Bangalore
 Telecoms, and others

Advocate for Applicant

Advocate for Respondent

MA No. 182 of 1994

Date	Office Notes	Orders of Tribunal
	<p>VR (MA) / ANV (MJ) 6.4.94</p> <p>We have heard Shri M.V. Rao, who has filed the miscellaneous application for extension of time to comply with the directions of this Tribunal in OA 236/93 & 242 to 257/93 rendered on 19th October, 1993. We have also heard Shri Sridhar for Dr. M.S. Nagaraja. On the last occasion, Shri Rao was not able to throw any light as to whether the department was planning to file an SLP before the Supreme Court. He now states and it is brought out in para 4 of the miscellaneous application that the department is processing the question of filing an SLP before the Supreme Court.</p> <p>In view of the present development, we extend time for payment of dearness allowance on the family pension for the month of March, 1994 and the subsequent month upto 15.5.94. If the department is not able to get any stay from the Supreme Court before that date, they have to pay DA on the family pension not only</p>	<p>VR (MA) / ANV (MJ) 6.4.94</p> <p>We have heard Shri M.V. Rao, who has filed the miscellaneous application for extension of time to comply with the directions of this Tribunal in OA 236/93 & 242 to 257/93 rendered on 19th October, 1993. We have also heard Shri Sridhar for Dr. M.S. Nagaraja. On the last occasion, Shri Rao was not able to throw any light as to whether the department was planning to file an SLP before the Supreme Court. He now states and it is brought out in para 4 of the miscellaneous application that the department is processing the question of filing an SLP before the Supreme Court.</p> <p>In view of the present development, we extend time for payment of dearness allowance on the family pension for the month of March, 1994 and the subsequent month upto 15.5.94. If the department is not able to get any stay from the Supreme Court before that date, they have to pay DA on the family pension not only</p>



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Date	Office Notes	Orders of Tribunal
		<p>from the month of March 1994 onwards but also the arrears as per the directions of this Tribunal.</p> <p>MA is disposed of accordingly</p> <p>..... AM</p> <p>Sd- Sd</p> <p>M(A)</p> <p>TRUE CO^N</p> <p><i>S. Sankar</i> 18/4 18/4/94 CHIEF JUDGE</p>