

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

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

Dated: 15 NOV 1994

APPLICATION NO: 1271 of 1994

APPLICANTS:- Smt. R. Jamuna nagarajan
v/s.

RESPONDENTS:- Chief PMO, Bangalore & 3 ors.

1. Dr. M.S. Nagaraja
Advocate
NO. 11, 2nd floor, Sujatha Complex,
187 Cross, Gandhi Nagar,
Bangalore - 560009.

2. Shri. G. Shambappa
Addl. C.G.S.C
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 31st October 1994

Issued on

16/11/94

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for

DEPUTY REGISTRAR
JUDICIAL BRANCHES

CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE BENCH

ORIGINAL APPLICATION No.1271/1994

MONDAY, THIS THE 31ST DAY OF OCTOBER, 1994

SHRI JUSTICE P.K. SHYAMSUNDAR .. VICE CHAIRMAN

Smt. R. Jamuna Nagarajan,
Aged 60 years,
W/o Sri Late R. Nagarajan,
1388, 1st 'A' Main, Manuvanam,
Bangalore - 560 040.

... Applicant

(By Advocate Dr. M.S. Nagaraja)

Vs.

1. The Chief Post Master,
Bangalore G.P.O.,
Bangalore - 560 001.
2. The Chief Post Master General,
Karnataka Circle, Bangalore-560 001.
3. The Dy. Director of Accounts (Postal),
G.P.O. Building (3rd Floor),
Bangalore-560 001.
4. Union of India,
represented by Secretary,
Ministry of Communications,
Sahchar Bhavan, New Delhi-110 001. ... Respondents

(By Advocate Shri G. Shanthappa,
Addl. Central Govt. Stg. Counsel).

ORDER

Heard both sides. The controversy herein is about the refusal to grant Dearness Allowance on pension to a widow of an erstwhile employee who has acquired later on, gainful employment in the Dept. on compassionate grounds. Naturally, and in her own right, she gets D.A. apropos the permanent position she holds in the Dept. But, I am told by the learned standing counsel, the appointment was not on compassionate grounds, but, she was regularly appointed as Sorter.



2. Be that as it may, suffice to notice that she holds a substantive appointment on her own merit. In regard to the salary she draws in that post, she gets D.A. as of right. The question now is whether she is also entitled to the Dearness Relief on the Family Pension she gets following the death of her husband. In a series of cases this Tribunal in O.A. Nos. 236/93, 242 to 257/93 and 240/93 & 286 to 297/93 held that people who are in receipt of Family Pension would be entitled to Dearness Relief on the Family Pension. But, then, I am told by the learned Standing Counsel that our judgments have been challenged and are now pending before the Supreme Court in the SLP No. 25211 and that the Court has also issued a stay against our order. A copy of the proceedings of the Apex Court have been furnished and a perusal confirms the submissions made by the learned standing counsel.

3. In the circumstances, what I should do is to direct the department to regulate the rights of the applicant in accordance with the ultimate decision of the Supreme Court supra. If the SLP is rejected, the department must without any further ado extend the benefit of our order in the O.A. which is the subject matter of the SLP.

4. With this observation, this application stands disposed off with no order as to costs.

Sd-

(P.K.SNYAMSUNDAR)
VICE CHAIRMAN

TRUE COPY

Mangal
Section Officer
Central Administrative Tribunal
Bangalore Bench
Bangalore

