

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

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

Dated: 30 SEP 1994

APPLICATION NO: 1213 and 1283 TO 1285 of 1994.

APPLICANTS:- ~~Smt.~~ V. Sukantha Southern Railway, Bangalore
v/s. and three Others.

RESPONDENTS:- The Secretary, Ministry of Railways,
New Delhi and three Others.

To

1. Sri.M.S.Anandaramu,
Advocate, No.27,
1st Floor, 1st Main,
Chandrasekhar Complex,
Gandhinagar, Bangalore-9.
2. Sri.A.N.Venugopala Gowda,
Advocate, No.8/2, Upstairs,
R.V.Road, Bangalore-560 004.

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 22nd September, 1994.

Issued on

30/9/94- R

o/c

for

DEPUTY REGISTRAR
JUDICIAL BRANCHES.

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BANGALORE

ORIGINAL APPLICATION NOS.1213 & 1283 TO 1285/1994
THURSDAY THIS THE TWENTY SECOND DAY OF SEPTEMBER, 1994

MR. JUSTICE P.K. SHYAMSUNDAR VICE CHAIRMAN

MR. T.V. RAMANAN MEMBER (A)

1. Smt. V. Sukanaya,
W/o late S.G. Ramachandran,
Working as Head Clerk,
Southern Railway,
O/o Divisional Signal
Telecommunication,
Bangalore City,
Bangalore
 2. Smt.S.K. Rangamani,
W/o late K. Krishna,
Working as Head Clerk,
Office of the Senior SEN,
Southern Railways,
Bangalore City,
Bangalore
 3. Smt. R. Leela,
W/o late B. Rajgopal,
O/o Senior DEN(O)/SBC,
Southern Railway,
Bangalore City,
Bangalore
 4. Smt. K. Nagamani,
W/o late K. Penchalaiah,
Working as Sr. Clerk,
O/o the Senior DEN(O)/SBC,
Southern Railway, Bangalore City,
Bangalore
- Applicants

(BY Advocate Shri M.S. Anandaramu)

v.

1. The Union of India
by its Secretary,
Ministry of Railways,
Rail Bhavan,
New Delhi
2. The General Manager,
Southern Railways,
Park Town,
Madras
3. The Divisional Railway Manager,
Southern Railways,
Bangalore



4. The Divisional Personnel Officer,
Southern Railways,
Bangalore

Respondents

(By learned Standing Counsel)
for Railways, Shri A.N.
Venugopal

O R D E R

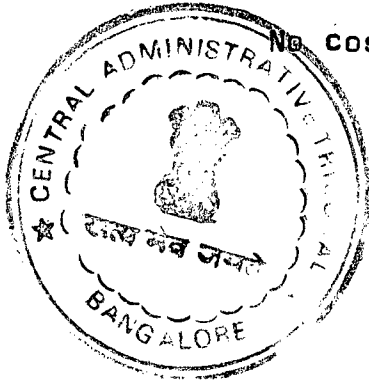
MR. JUSTICE P.K. SHYAMSUNDAR, VICE CHAIRMAN

Admit.

2. Heard both sides.
3. The refusal of dearness relief on the family pension to the person who also later got employed on compassionate grounds is the subject matter of these applications. The denial is held as untenable and unjustifiable in earlier proceedings before this Tribunal in O.A.No.593/93 disposed of on 26.5.1993. This case is on all fours with the case referred to supra on the basis of the principle laid down therein holding that the employees appointed on compassionate grounds are entitled to dearness relief on family pension in the event of being in receipt of family pensions. We, therefore, follow the dicta in the aforesaid judgment of ours and make a similar order herein also. This application thus succeeds, the Railway Administration who is the authority concerned is directed to grant dearness relief on family pension w.e.f. August, 1993. No costs. Compliance within three months from the date of receipt of a copy of this order. We are told that one SLP is pending before the Supreme Court against the earlier judgment of the Tribunal referred to supra.

and other similar matters. It is not necessary for us to say that tenability of our views will naturally depend on the outcome in that SLP.

No costs.



Sch
MEMBER (A)

Sch
VICE CHAIRMAN

TRUE COPY

[Signature]
Section Officer
Central Administrative Tribunal
Bangalore Bench
Bangalore

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CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

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

Contempt Petition No.160 to 163 of 1996 in dated: **17 JAN 1997**

APPLICATION NO. 1213 and 1283 of 1994. to 1285 of 1994.

APPLICANT(S) : Smt.V.Sukanya and three others.,

V/s.,

RESPONDENTS : The Divisional Personnel Officer Sri.Harikrishna
Southern Railways, Bangalore.

To.

1. Sri.M.S.Anandaramu, Advocate,
No.11, First Floor, 4th Cross,
R.K.Punam, S.C.Road Cross,
Opp: Mevieland Theatre,
Gandhinagar, Bangalore-9.

2. Sri.A.N.Venugopala Gowda,
Advocate, No.8/2, Upstairs,
R.V.Road, Bangalore-560004.

Subject:- Forwarding of copies of the Orders passed by
Central Administrative Tribunal, Bangalore-38.
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A copy of the Order/Stay Order/Interim Order,
passed by this Tribunal in the above stated applicatio(s)
is enclosed for information and further necessary action.
The Order was pronounced on 09-01-1997.

B-748

For Deputy Registrar
Judicial Branches.

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH; BANGALORE

C.P.(CIVIL) NOS.160 to 163/96 in O.A.
NOS. 1213 & 1283 TO 1285/94

DATED THIS THE NINTH DAY OF JANUARY, 1997

SHRI JUSTICE D.P. HIREMATH, VICE CHAIRMAN

SHRI T.V. RAMANAN, MEMBER(A)

1. Smt. V. Sukanya
W/o. late S.G. Ramachandran
Working as Head Clerk
Southern Railway
O/O Divisional Signal
Telecommunication
Bangalore City, Bangalore.
2. Smt. S.K. Rangamani
W/o. late K. Krishna
Working as Head Clerk
Office of the Senior SEN.,
Southern Railways
Bangalore City, Bangalore.
3. Smt. R. Leela
W/o. late B. Rajgopal
O/O Senior DEN (O)/SBC
Southern Railways
Bangalore City, Bangalore.
4. Smt. K. Nagamani
W/o. late K. Panchalaiah
Working as Sr. Clerk
O/O. Sr. DEN(O)/SBC
Southern Railway
Bangalore City, Bangalore. ... Petitioners

(By Advocate Shri M.S. Anandaramu)

Vs.

Shri Harikrishna
Divisional Personnel Officer
Southern Railways, SBC
Bangalore.

... Respondent

(By Shri A.N. Venugopal, Standing Counsel for
the Railways)

ORDER

SHRI JUSTICE D.P. HIREMATH:

In view of the order of the Supreme Court dated 8.12.1994, copy of which is produced at Annexure-R1 followed by this Tribunal's order in subsequent cases and in the light of the observations made by the Tribunal in its order dated 22.9.1994 in

O.A. Nos. 1213 & 1283 to 1285/94, we feel that no contempt is committed. Proceedings are dropped.

2. The petitioner's counsel has produced a copy of the order in some other case. Under peculiar circumstances of that case an order was issued granting dearness relief. Respondents' counsel says that because the review petition was rejected on the grounds of laches and delay, the order of the Tribunal had to be implemented. Whatever be the facts of that particular case, we are left with no alternative but to follow the order of the Supreme Court, which has clearly negatived grant of dearness relief on family pension. In any case, the copy of the order produced by the petitioner's counsel states that order is subject to Supreme Court's decision in an SLP filed.

(T.V. RAMANAN)
MEMBER(A)

(D.P. HIREMATH)
VICE CHAIRMAN

mr.

TRUE COPY

Section Officer
Central Administrative Tribunal
Bangalore Bench
Bangalore