

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

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

Dated 30 SEP 1994

APPLICATION NO: 1214 and 1286 to 1297 of 1994.

APPLICANTS:- Smt. Shashikala Devi Murthy, Southern Railway, Mysore
V/S. and Twelve Others.

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

To

1. Sri. M. S. Anandaramu,
Advocate, No. 27,
First Floor, First Main,
Chandrashekhar Complex,
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 Order passed by the
Central Administrative Tribunal, Bangalore.

--xx--

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 19.

[Signature]
C/C - for DEPUTY REGISTRAR
JUDICIAL BRANCHES.

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BANGALORE

ORIGINAL APPLICATION NOS. 1214 &
1286 TO 1287 OF 1994

THURSDAY THIS THE TWENTY SECOND DAY OF SEP. 94

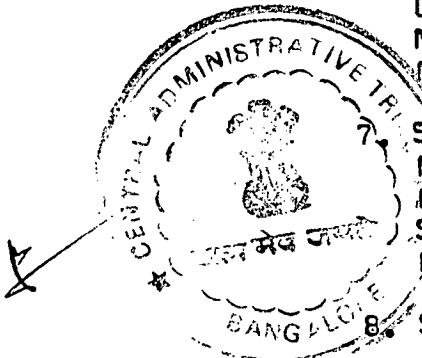
MR. JUSTICE P.K. SHYAMSUNDAR

VICE CHAIRMAN

MR. T.V. RAMANAN

MEMBER (A)

1. Smt. Shashikala Devi Murthy,
Major,
Working as Rayyabasha
Assistant Grade-I, Office of
the Divisional Personnel
Officer, Southern Railway,
Mysore
2. Smt. K. Padmini,
Major, Working as Sr.Clerk
Office of the Divisional
Personnel Officer, Southern
Railway, Mysore
3. Smt. N.S. Vijayalakshmi,
Major, Working as Sr. Clerk,
O/o the Divisional Operating
Manager, Southern Railway,
Mysore
4. Smt. M.R. Vedamba,
Major, Working as Head Clerk,
O/o Divisional Operating Manager,
Southern Railway,
Mysore
5. Smt. Prema K. Motebennur,
Major, Working as Clerk,
D.O.M., O/O Southern Railway,
Mysore City, Mysore
6. Smt. K. Ramavenkatesh,
Major, Working as Head Clerk,
O/o the D.P.O., Southern Railway,
Mysore City,
Mysore
7. Smt. Nagarathna,
Major, Working as Ferro Printer,
O/o Sr. DEN(O),
Southern Railway,
Mysore
8. Smt. V. Geetha,
Major, Working as Clerk,
Office of the DEN(O),
Southern Railway,
Mysore



9. Smt. A. Jayanthi
major, Working as Sr. Clerk,
O/o Divisional Signal
Telecommunications, Southern
Railways, Mysore City,
Mysore
10. Smt. A. D. Ushakumari,
major, Working as Sr. Typist,
O/o the Divisional Signal
Telecommunications, Southern Railway,
Mysore City,
Mysore
11. Smt. K. B. Renuka,
major, Working as Jr. Typist,
Office of the Divisional
Operating Manager,
Southern Railway,
Mysore City, Mysore
12. Smt. Gayathri Shanmugam,
major, Working as Sr. Clerk,
O/o the Divisional Operating
Manager, Southern Railway,
Mysore City, Mysore
13. Smt. Bhagyamma,
major, Working as Peon,
Office of the Divisional
Operating Manager, Mysore City,
Mysore

Applicants

(By Advocate Shri M.S. Anandaramu)

v.

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

Respondents

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

ORDER

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.

TRUE COPY

Sd/-

Section Officer
Central Administrative Tribunal
Bangalore Bench
MEMBER (A) Bangalore

Sd/-

VICE CHAIRMAN