

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

FORM OF INDEX AS PER CAT (DESTRUCTION OF RECORDS) RULES 1990
=====

LIST OF PAPERS IN CA/PA/CP/TA NO. 512/95

Sl.No.	Items	Description of papers
1.	Orders Sheets	KEPT
2.	All Orders/Judgements of the Tribunal passed in the case	-- do --
3.	Judgements and order received from the Supreme Court in the case.	— rec —
4.	All applications including MAs/Plaints/Memorandum/Appeals together with annexures and all other documents whether original or copies filed with them.	KEPT
5.	Counter/written statement and reply affidavits	-- do --
6.	All depositions of witnesses taken by way of affidavit	-- do --
7.	All documents or certified copies received by the court and marked as exhibits. reports and examination of commissioners	-- do --
8.	Notices	Destroyed
9.	Letters filed by the counsel and other correspondence vakaltnama/ memo of appearance	-- do --
10.	All other papers not already specified.	-- do --

*DVK

K. G. M.

[Signature]

In, the Central Administrative Tribunal
Bangalore Bench
Bangalore

[SMB]

ORDER SHEET

Application No.....512.....of 1995

Respondent

Applicant

NT Anysuyamma

Chairman, Rly Bd, N.Dli & ors

Advocate for Respondent

Advocate for Applicant

Sh KV Shamanna

Date	Office Notes	Orders of Tribunal
30.01.95	<p>This application is filed u/s 19 of the Act. The applicant prays to:</p> <p>Direct the respdts to grant DA on family pension wef 09.04.87 and grant all consequential benefits.</p> <p><u>INTERIM PRAYER:</u> Nil.</p> <p>It is premature for non-exhaustion of remedies. The adv for applnt states that there is no scope of remedy in view of Ann-A2.</p> <p>Since the claim is from '87, delay needs to be determined.</p> <p>As directed, this appln is regd & posted before the Bench for prl.hg & admn on 31.01.95.</p> <p>IPO removed.</p> <p><i>30.1.95</i></p> <p><i>13.2.95</i></p> <p><i>call on 9.3.95</i></p> <p><i>DOO</i></p> <p><i>be</i></p> <p><i>CO</i></p> <p><i>CH</i></p>	<p>TUR(MA)</p> <p>31.1.95</p> <p>Learned Counsel for the applicant seeks time. time granted. case to come up on 13.2.95.</p> <p><i>Ym</i></p> <p>M(A)</p>

Date

Office Notes

Orders of Tribunal

9.3.95

Dismissed vide order
in OA 511/95

POO

+

CO

TH

22.3.95

Copies issued.
Original order is filed
in OA file no 511/95. Copy
added to this file.

gm

12

Form No 2 (See Rule 11(b) of ROP '93)
CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

[SMB]

Diary No. 186/95-JL

REPORT ON THE SCRUTINY OF APPLICATION

Date of presentation

.....18.1.95

Presented by: S. K. V. Shanamma

Applicant(s) N. T. Anasayamma

Respondent(s) U. L. & Co

Nature of Grievance Grant of DA, as family
member

No of applnts: 1.....

No of respdts: three.....

DA No. 512.../95

DB / SMB

CLASSIFICATION

Subject: Serve as above (No)

Department: Railways (No)

1. Is the application in the proper form?
(Three complete sets in paper books
form in two compilations)

3m

2. Whether name, description and address
have of all the parties been furnished in
the cause title?

3m

3. (a) Has the application been duly
signed and verified?

3m

(b) Have the copies been duly signed?

3

(c) Have sufficient no of copies of
the application been filed?

3

4. Whether all the necessary parties
are impleaded?

3m

5. Whether English translation of docu-
ments in a language other than English
or Hindi been filed?

6. Is the application in time?
(See Section 21)

out of time - If A to be filed
for CD

7. Has the Vakalatnama/Memo of Appearance/authorisation been filed?

yes

8. Is the application maintainable?
(u/s 2, 3(q), 14, 18, 19 or u/r 6 of
CAT(P) Rules '87, etc.)

yes

9. Is the application accompanied by
IPO/DD for Rs.50/- ?

yes

10. Has the impugned order's original/duly
attested legible copy been filed?

for directions

11. Have legible copies of the annexures
duly attested been filed?

yes

12. Has the index of documents been filed
and pagination done properly?

yes

13. Has the applicant exhausted all
available remedies?

there is no proof of any document
that the applicant exhausted all the
remedies right from 2-4-86 onwards.
~~except acceptance~~

14. Has the declaration as required by
item u of Form I of CAT(P) Rules '87
been made?

yes

15. Have required number of envelopes
(file size) bearing full address of
the respondents been filed?

yes

16. (a) Whether the reliefs sought for arise out of single cause of action?

Consequential

(b) Whether any interim relief is prayed for?

17. In case a MA for condonation of delay is filed, is it supported by an affidavit of the applicant?

MA should be filed.

18. Whether this case can be heard by Single Member Bench?

Yes

19. Any Other point?

Defective

Result of the scrutiny with initial of the scrutiny clerk.

Defective, may be need to do needful in two weeks.

Section Officer

Deputy Registrar

Registrar.

20/1/95

DR (T)

K

See A-2 & A-3?

2/13

Column needed in pt. 1

20/1/95

JI

① In view of the honourable Tribunal's decision on question of limitation in a similar case vide page 11 (portion underlined), the question of limitation does not arise in this case also.

Revised on 27.1.95
Maybe put on 31/1/95
K

② Since the administration has taken a policy decision to grant DA on family pension in respect of employees who have obtained CATS orders, there is no scope for exhausting further remedy with the department than approaching the honourable Tribunal. In this connection kindly convert application No 1205/94 - Shantamona & others wherein relief has been granted for 62 employees similarly placed. K. V. Sharma Advocate 27/1/95

Subord:

In view of the clarification furnished by the counsel, may this be regarded as ~~off~~ and posted before Bench for admission on 31.1.95 along with O.S.

9/

27-1-95

the 1st
Reg.

Clarification of the Adv. at pre-page, it is stated that ~~the~~ Bench has to determine the time whether ~~the~~ O.A. is in time, as Registry can only go by S. 21 of the A.T. Act, '85.

Reg. Exhausting of Remedy, Registry can only go by S. 20 of the A.T. Act '85. ~~only~~ Bench has powers to ^{admit} ~~accept~~ that O.A. even if remedies are not exhausted, as an exception under S. 20 of the A.T. Act '85.

Reg. Correcting of ~~the~~ O.A. 17.05/94, it is felt, it is for the parties seeking relief to produce relevant orders with O.A., if necessary by obtaining certified copies from the Registry as per Rules.

Hence O.A. may be registered, numbered and posted with O.S. for filing & admission 31.1.95.

Registrar
JI

W 27/1/95

27/1/95

True Docs filed by N.T. Anasuyamma Adv on 18-1-95
May be placed on 27-5-95 -
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, BANGALORE
APPENDIX 'A'

(FORM I)

APPLICATION UNDER SECTION 19 OF THE CENTRAL ADMINISTRATIVE
TRIBUNAL ACT 1985

O.A. No. 512 of 1995

BETWEEN:

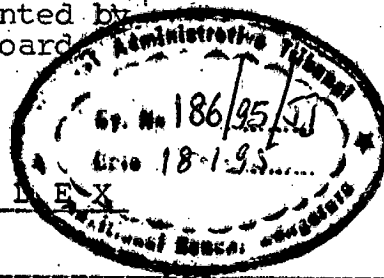
N.T. Anasuyamma

Applicant:

AND

Union of India, represented by
The Chairman, Railway Board
NEW DELHI and others

Respondents



I N D E X

Sl. No.	Description of the documents filed	Page
1.	Application	1-6
2.	Orders in O.A. No. 593/93	Annexure A1 7-12
3.	Letter No. P(S) 500/Sett/relief of 27/5/94	Annexure A2 3
4.	Vakalath	12-14

Certified that all copies of documents contained herein are true copies.

X N.T. Anasuyamma.

For use in the Tribunal office

Signature of the Applicant

Date of Receipt by post

K.V. Sharma
Counsels for the Applicant

Registration No.

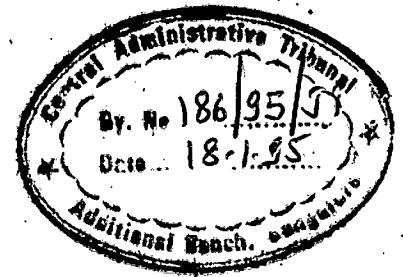
Signature of the Registrar

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, BANGALORE BENCH
BANGALORE

APPLICATION No. 512/1995

BETWEEN :

N .T. Anasuyamma
W/o. Late D.T. Satyanarayana aged
about 41 years clerk,
Senior Divisional Engineer's office
Southern Railway, Bangalore-23,
residing at D.No.2799, 'D'Block,
II Stage, Rajaji Nagar,
BANGALORE - 10.



Applicant

AND

Union of India represented by

1. The Chairman, Railway Board,
(Ministry of Railways), Rail Bhavan,
NEW DELHI.
2. The Chief Personnel Officer,
Southern Railway, Park Town,
MADRAS - 600 003.
3. The Divisional Railway Manager,
Divisional Office,
Southern Railway,
BANGALORE - 560 023.

Respondents

DETAILS OF THE APPLICANT:

1. Particulars of the order against which the application is made:

The applicant is now working under the control of the Divisional Railway Manager, Southern Railway, Bangalore. The applicant was receiving the dearness allowance along with the family pension from the date of death of her husband. The respondents stopped the payment of dearness allowance on the family pension of the applicant from the date of her appointment on the Southern Railway without any authority of law. Aggrieved by this illegal action of the respondents the applicant is approaching this Honourable Tribunal by this application for the direction to the respondents to grant the dearness allowance on family pension and continue to pay the same, with arrears in the interest of justice and fair play.

2. JURISDICTION OF THE TRIBUNAL:

The applicant declares the subject matter of orders against which ~~they~~^{she} want redressal is within the jurisdiction of this Honourable Tribunal.

3. LIMITATION:

The applicant further declares that the application is within the limitation period prescribed in Section 21 of the Administrative Tribunals Act 1985. The applicant is.

K. V. Shanmugam

suffering recurring financial loss month after month.

4. FACTS OF THE CASE:

The applicant above named most respectfully submits as follows:-

(a) The applicant is now working on the Bangalore Division of the Southern Railway, ~~as group~~ as clerk in the office of the Senior Divisional Engineer, Southern Railway.

(b) The applicant is the widow of Late B.T. Satyanarayana who died on 2/4/86 in harness, While working as Guard 'C' Grade/ Baiyappanahalli on Bangalore Division. The applicant was granted and paid family pension with dearness allowance from the date of death of her husband (viz. 2/4/86). The applicant was appointed as Junior Clerk on compassionate ground in group 'C' post based on her qualification, etc. in the office of the Senior Divisional Engineer, Bangalore Division, Bangalore on 9/4/87. The Respondent, all of a sudden stopped the dearness allowance paid to the applicant on the family pension by an arbitrary administrative instruction of the Railway Board which has no backing of the statutory rules. The dearness allowance is paid to the pensioners to off-set the spiralling prices of the essential commodities and to compensate the falling value of the rupee. The applicant is entitled in her own rights as the widow of the railway employee who died while in service, to receive the family pension along with the dearness allowance under the "Family Pension Rules". The Dearness allowance granted to the family pensioners forms part and parcel of the family pension and it cannot be treated as different from the family pensions. The action of the respondents in stopping and recovering the Dearness allowance paid to the applicant on her family pension ~~from~~ is rather unjust, harsh and untenable under law.

(c) One Smt. Mythili Rangaswamy, had approached this Honourable Tribunal in O.A. No.593/93 for redressal of her grievance for stopping the dearness allowance consequent on her appointment on the compassionate grounds by the Railways. This Hon'ble Tribunal was pleased to hold that the administration has taken an unduly harsh view of the situation in seeking to make gains out of the misfortune of the applicant, who has lost her husband while in service and struck down the part of the administrative instruction which empowered the Railway Administration to stop the Dearness Allowance on family pension. A copy of the Hon'ble Tribunal's order is attached as Annexure A1. - Similar view has been taken by the Central Administrative Tribunal, Ernakulam Bench also in O.A. No.1275/93 dated 20/1/93. This decision has been applied to similar applications filed *Subsequently* before this Honourable Tribunal.

K.V. Srinivas

(d) However, the respondents have not extended the benefits of the above tribunal's decisions to the similarly placed applicants, but they have confined these benefits only to the family pensioners in whose cases various Central Administrative Tribunals have passed orders, with a condition that the payment made will be subject to the outcome of the SLP pending in the Hon'ble Supreme Court of India. A copy of the 2nd respondents letter No.P (B) 500/STT/Relief dated 28/5/94 is attached as Annexure 2. 48

In the facts and circumstances explained above the applicant has no other alternative and efficacious remedy than to approach this Hon'ble Tribunal seeking remedy under Section 19 of the Tribunal's Act for justice and fair play.

5. GROUND'S OF RELIEF WITH LEGAL PROVISIONS:

(a) The relief granted on family pension as Dearness allowance is part and parcel of the family pension as it is meant to off-set the falling value of the rupee and to compensate the rise in cost of living. The applicant is entitled for the continued payment of the Dearness allowance on her family pension right from the date of death of her husband during her life time as widow of the employee who died in harness. The action of the respondents to stop the dearness allowance on family pension to the applicant after her appointment on the Railway is without authority of law, unjustified and untenable.

(b) The action of the respondents in stopping the dearness allowance on the family pension of the applicant is arbitrary, whimsical and blatant violation of the articles 14 and 16 of the constitution of India.

(c) The orders of the 2nd respondent is not extending the benefits of the Hon'ble Tribunal's orders to restore the DA on family pension to the applicant who is similarly placed is highly discriminatory and unjust.

6. DETAILS OF REMEDY EXHAUSTED:

The applicant declares that she has exhausted all remedies available under the relevant rules. The Respondents have restricted the benefits only to employees who has obtained the orders of the Tribunal as a policy and no alternative remedy is available.

7. MATTERS NOT PREVIOUSLY FILED OR PENDING WITH ANY OTHER COURTS:

The applicant further declares that she had not previously filed any application, writ petition or suit regarding the matter in respect of which this application has been made,

K. V. Srinivas

before any court, or any other authority or any other Bench of the Tribunal nor any such application.

8. RELIEFS SOUGHT:

In view of the facts mentioned in para 6 above, the applicant prays for the following relief:-

(a) That this Hon'ble Tribunal be pleased to call for the records pertaining to the case of the applicant and to direct the respondents to grant and pay the dearness allowance on her family pension from the date from which it was denied to (viz. 9/4/87) and to pay the arrears with retrospective effect and continue to pay during her life time.

(b) To direct the respondents to pay the cost of the Tribunal deems fit and expedient to grant, in the facts and circumstances of the case, to meet the ends of justice.

9. INTERIM ORDER, IF ANY PRAYED FOR:

- NIL -

10. IN THE EVENT OF APPLICATION BEING SENT BY REGD. POST:

- NIL -

11. PARTICULARS OF POSTAL ORDERS FILED IN RESPECT OF APPLICATION FEE:

a. No. of postal order	:	05 480055
b. Date of Postal order	:	16/12/94
c. Name of post office	:	Avani Shankarmutt post office Bangalore - 86.
d. Post office at which payable	:	GPO/ Bangalore.

12. LIST OF ENCLOSURES:

1. Orders in O.A. No.593/93	Annexure A1
2. Letter No.P(S)500/Sett/relief of 27/5/94	Annexure A2
3. Vakalath	

K. V. Sharanappa

VERIFICATION

I, N.T. Anasuyamma aged about 41 years, W/o. late B.T. Satyanarayana, working as Clerk in the O/O Sr. Divisional Engineer, Southern Railway, Bangalore - 23, residing at D.No:2799, 'D' Block, II Stage, Rajaji Nagar, Bangalore-10, do hereby declare and verify that the contents of para 1 to 11 of the application are true to my personal knowledge and belief and that I have not suppressed any material facts.

Place: Bangalore

Date : 16-1-95

X N.T. Anasuyamma

Signature of Applicant

K.V. Shamanna

Counsel for the Applicant

K.V. Shamanna, B.Sc., B.L.,
Advocate,

No. 1465, 14th Main Road,
W.O.C. Road, Mahalakshmiपुरam,
BANGALORE - 560 086.

To

The Registrar,
Central Administrative Tribunal,
Bangalore Bench,
BANGALORE.

Address for Service:

K.V. SHAMANNA, B.Sc., B.L.,
ADVOCATE,
No:1465, 14th Main,
West of Chord Road,
Mahalakshmiपुरam,
BANGALORE - 560 086.

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BANGALORE

ORIGINAL APPLICATION NO. 593/93

WEDNESDAY, THE TWENTY SIXTH DAY OF MAY, 1993

MR. JUSTICE P.K. SHYAMSUNDAR VICE CHAIRMAN

MR. V. RAMAKRISHNAN MEMBER (A)

Smt. Mythili Rangaswamy,
Chief Clerk,
Office of the Chief Engineer (Cons),
Railways No. 18, Millers Road,
Bangalore - 560 046 Applicant

(By Advocate Aniruddha Desai)

1. The General Manager,
Southern Railways,
Headquarters Office,
Madras - 3

2. The General Manager,
South Central Railways,
Secunderabad,
Andhra Pradesh

3. The Financial Advisor and
Chief Accounts Officer,
Southern Railways,
Headquarters Office,
Madras

4. Chairman,
Railway Board,
Government of India,
Ministry of Railways,
New Delhi - 9

5. Union of India,
Ministry of Railways,
New Delhi

represented by
Secretary to Government of India

Respondents

(By learned Standing Counsel for Railways)
Shri K.B. Venugopal

K.V. Sharmanna, B.Sc., B.L.,
Advocate

K.V. Sharmanna
Advocate

MR. JUSTICE P. K. SHYAMUNJAR, VICE CHAIRMAN

The applicant Smt. Mythili Ranganaswamy is the widow of one Ranganaswamy who died in harness while serving the Railway Administration currently represented by R-1 to R-5 in this application. When Ranganaswamy died while in service, the applicant was given a family pension including DA as well. It so transpires that the applicant Mythili Ranganaswamy secured an appointment for herself with the Railways on compassionate grounds on 16.1.1974. But subsequently, in the year 1977, the Railway Administration re-considered its position vis-a-vis people drawing a pension but later put on the pay roll of the Railways and said that in such cases the payment of ad hoc relief is suspended but where it is continued, that amount would be required to be returned (Annexure A-B). A clarificatory order of No. 2 has been produced by the Railway Administration in that behalf.

2. Aggravated by these two orders viz. withdrawing the ad hoc relief/DA on family pension, the applicant agitated for restoration of the second benefit from 1977 but without any avail. Hence this application for restoration of the D.A. on family pension etc. etc. Realising that her action in challenging the orders of the Railway Administration passed in the year 1977 but notified in 1978, might be met with a plea of limitation, the applicant seeks condonation of delay in the filing of this

K. V. Shamanna

K. V. Shamanna, B.Sc., B.L.,
Advocate,No. 1465, 14th Main Road,
W.O.C. Road, Mahalakshmiapuram,
BANGALORE - 560 086.

application pointing out inter alia that she had not kept quiet all these years but had been continuously representing to the authorities and finally after realising that her pleas met no response from them she has approached this Tribunal for redressal of her grievances. The application is resisted by the Railway Administration both on merits and also on grounds of limitation.

It is urged that no reasons have been adduced for condoning the delay. The mere fact that the applicant had been representing repeatedly is no substitute for the statutory remedy available to the applicant. On merits the Administration

points out that the applicant is employed with the Railways and notwithstanding still received family pension and all that the Administration has taken away is the D.A. which is otherwise compensated by the salary the applicant gets.

We have heard the learned counsel for the applicant and the learned Standing Counsel Shri. A. N. Vanugopal. We are not inclined to accept the submission of the Railway Administration

and we think that the Administration has taken an unduly harsh view of the situation in seeking to make a gain out of the misfortune of the applicant who lost her husband while in service. We admit this application and proceed to dispose

as follows:

4. We find and we are somewhat astonished to notice that there is no legal sanction for

K.V. Shamanna, B.Sc. B.L., A-1 and R-2 viz: orders withdrawing DA from the

K.V. Shamanna

16

family pension accorded to a widow of an erstwhile
employee. Both orders purport to have been made
on grounds of alleged administrative authority.
We do not know how the Railway Administration
thought it fit to ^{take} ~~draw~~ some kind of administrative
sanction in the absence of any legal authority.

5. The grant of family pension or as a matter
of fact a regular pension is regulated under the
rules. There are a set of rules governing the
payment of family pension which fact is not in
dispute. These rules provide for payment of DA on
family pension and in the absence of any other rule
giving powers to the Administration to take away
that relief of DA, the Administration could not
have reviewed the same. We think that any administrative
flat would not be adequate for denying that benefit.
We may point out that Rule 55(A)(11) in the Central
Pension Rules which authorizes the Union Government/
State Government etc. etc. to withdraw DA on
pension in case of re-employment reads as follows:

"If a pensioner is re-employed under the
Control of State Government or a Corporation/
Company/Body/Bank under them in India or
abroad including permanent absorption in
such Corporation/Company/Body/Bank, he shall
not be eligible to draw dearness relief on
pension/family pension during the period of
such re-employment."

6. We are not told that there is a like provision
in the Railway Pension Rules under which the
Administration are empowered to withdraw DA on pension
in the course of re-employment. We may also point

out that the full name of the person who is K.V. Shree

(11) (12)

an appointment on compassionate grounds. But that as it may, the action of the Railways is unjustified for in the absence of any rule warranting withdrawal of DA on family pension, the same could not have been done. A mere administrative order would be inadequate to enable the Administration to make any such move. For these reasons, we find the denial of DA on family pension to be wholly untenable and unjustifiable. We, therefore, strike down that part of A-8 and H-2 which empowers the Railway Administration to stop payment of DA on family pension. Consequently, the applicant would now be entitled to DA on family pension but the question is and that is the more pertinent one being the time factor that can permit the applicant to claim such relief. We cannot obviously grant relief from 1978 because the Administrative Tribunal itself was not yet thought of. As a matter of fact, the applicant seeks condonation of delay in the making of this application. We do not think there is any need for condonation of delay because the right of the applicant that is denied is a recurring one, it goes on and on till it is actually remedied. It does seem to us that we could go back to a period of three years from the date of the application but in this case we think it appropriate to limit the tracking back of the applicant's relief regards payment of DA on family pension just to one year prior to the making of this application. This application having been filed in June, 1993, she would become entitled to payment of DA on family pension from the month of June, 1992.

K.V. Shemanna, B.Sc., B.L.
No. 12, ... Road,
W.O.C. ...
BANGALORE - 560 086.

K.V. Shemanna

and onwards. Accordingly, we make a direction to the respondents for grant DA on family pension to the applicant with effect from June, 1992, and thereafter. There will be no order as to costs. We further direct respondents to comply with the directions made as above within three months from the date of receipt of a copy of this order. Send a copy of this order to R-1 and R-2 for information and needful action.

(V. RAMAKRISHNAH)
JUDGE (A)

(P.K. SHYAMSUNDAR)
VICE CHAIRMAN

TRUE COPY

SECTION OFFICER
APPELLATE TRIBUNAL
BANGALORE

True copy

K. V. Shanna

K.V. Shanna, B.Sc., B.L.,

No. 1465, 14th Main Road,
W.O.C. Road, Mandakshimpuram,
BANGALORE - 560 086.



ANNEXURE A 29

(22)

(13)

SOUTHERN RAILWAY

NO. P (N) 500/500/ROLLUT

Personal Branch,
MADRAS 600 003.
Dated: 27.05.1994.

DRM/P/MAS, T.P.J., PGT, MDU, MYS, TWC & SBC
WM/MYSS, WPD/GUC, SPD/PER
CWM/LW/PER, CWM/CW/PER.

Sub: Grant of Dearness Relief to the widows of Railway employees receiving Family Pension.

Ref: This office letter No.P (N) 500/500/SRES/ SRMU dated 29.04.1994.

Further to this office letter quoted above it has been decided that the payment of dearness relief on Family Pensions may be made in respect of Family Pensioners who are employed in Railways and in whose cases the various CATs have passed orders, / complying with the orders of the / in respective CATs, with a condition that the payment made will be subject to the outcome of the SLP pending in the Hon. Supreme Court of India.

Arrangements may please be made immediately to take action on the matter duly advising this office.

[Signature]
26/5/94
FOR OFFICE PERSONNEL OFFICER

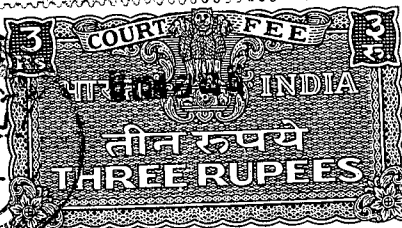
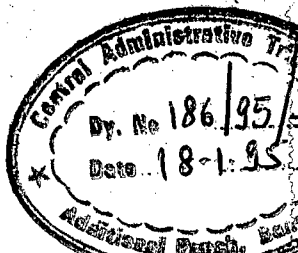
Copy to T & CAU/MAS

True copy

K. V. Shanna

K.V. Shamanna, B.Sc., B.L.,
Advocate,
No. 1465, 1st Main Road,
W.O.C. Road, Mahalakshimpuram,
BANGALORE - 560 086.

This is sufficient & check them as they are no cases pending before CAT for now.
1/6 26/5/94
10/4/94



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~~CENTRAL ADMINISTRATIVE TRIBUNAL~~
In the ~~High Court of Karnataka~~ at Bangalore

No.

dt 1995

Appellant/s, Petitioner/s,
Plaintiff/s, Complainant/s
Decree-Holder/s/Caveator
N. ANASUYAMMA

Vs.

Defendant/s, Respondent/s
Accused/Judgement-Debtor/s
Opponent/s
Union of India represented
by the General Manager
Railway Board New Delhi
and others

I/we N. T. ANASUYAMMA

the APPLICANT

Nos _____ in the above matter here by appoint and retain

Sri K. V. SHAMANNA Advocate

to appear act and plead for me/us in the above matter and to conduct/prosecute and defend the same in all interlocutory or miscellaneous proceedings connected with the same or with any decree or orders passed therein appeals and or other proceedings arising here from and also in proceedings for review of judgement and for leave to appeal to Supreme Court and to obtain return of any documents filed therein, or receive any money which may be payable to me/us.

2. I/we hereby authorise him/them on my/our behalf to enter into a compromise in the above matter, to execute any decree/order therein to appeal from any decree/order therein and to appeal to act to plead in such appeal in any preferred by any other party from any decree/order therein.

I/we further agree that if/ I/we fail to pay the fees agreed upon or to give due instructions at all stages/he they is/are at liberty to retire from the case and recover all amounts due to him/them and retain all my/our monies till such dues are paid.

Executed by me/us this 16th day of January 1995 at Bangalore

Signature attested

K.V. Shanna
Shanna, B.Sc., B.L.,
Advocate,

No. 1465, 14th Main Road,
W.O.C. Road, Mahalakshmiapuram,
Bangalore - 560 086.

x N. T. Anasuyamma

Signature/s

Executants/s are personally known to me and he/has/they have signed before us

satisfied as to the identity of executant/s Signature/s

(where the executant/s are illiterate, blind or unacquainted with the language of vakalath)

Certified, that the contents were explained to the executant/s in my presence in _____ language known to him/them who appear/s perfectly to understand the same and has/have signed in the presence.

Accepted

K. V. Shanna

Advocate for applicant

Place: Bangalore

Date: 16 - 1 - 1995

Address for service

K.V. Shanna, B.Sc., B.L.,
Advocate,

No. 1465, 14th Main Road,
W.O.C. Road, Mahalakshmiapuram,
BANGALORE - 560 086.

CENTRAL ADMINISTRATIVE TRIBUNAL: BANGALORE BENCH: BANGALORE

ORIGINAL APPLICATIONS NUMBERS 511, 512 AND 535 OF 1995

THURSDAY, THIS THE 9TH DAY OF MARCH, 1995.

Mr. Justice P.K. Shyamsundar,

Vice-Chairman.

Mr. T.V. Ramanan,

.. Member(A)

1. Shylaja,
Aged about 49 years,
W/o late M.N. Jagannatha Rao,
Electrical Foreman, Office of
the Senior Electrical Foreman/Power,
Southern Railway, Bangalore
residing at No. 215/D, Railway
Quarters, M.G. Colony,
Bangalore-560 023. .. Applicant in A.No. 511/1995
2. N.T. Anasuyamma,
W/o late D.T. Satyanarayana,
Aged about 41 years, Clerk,
Senior Divisional Engineer's
Office, Southern Railway,
Bangalore-23, residing at D.No. 2799,
'D', Block, IK Stage, Rajajinagar,
Bangalore-560 010. .. Applicant in A.No. 512/1995
3. Smt. Saroja Nagendra,
W/o late Nagendra,
Aged about 58 years,
residing at No. 81/3,
H.B. Samaja Road, Basavanagudi,
Bangalore-4. .. Applicant in A.No. 535/1995

(By Advocate Shri K.V. Shamanna for Applicants in O.A. Nos.
511 & 512/95 & Shri M.S. Anandaram, Advocate for Appli-
cant in Application No. 535 of 1995)

v.

1. The Union of India
represented by its Secretary,
Ministry of Railways,
Rail Bhavan, New Delhi. .. Respondent-1 in O.A. 535/1995
2. The Chairman,
Railway Board, (Ministry of Railways),
Rail Bhavan, New Delhi. .. Respondent-1 in O.A. Nos.
511 & 512/1995
3. The General Manager,
Southern Railways, Park Town,
Madras. .. Respondent-2 in O.A. 535/1995
4. The Chief Personnel Officer,
Southern Railway, Park Town,
Madras-600 003. .. Respondent-2 in O.A. Nos.
511 & 512/1995

5. The Divisional Railway Manager,
Divisional Office, Southern Railway,
Bangalore-560 023. .. Respondent-3 in all O.As.
6. The Divisional Personnel Officer,
Southern Railways, Bangalore. .. Respondent-4 in O.A.535/1995.

(By Standing Counsel Shri A.N.Venugopala Gowda)

ORDER

Mr. Justice P.K. Shyamsundar, Vice-Chairman:-

Admit. We have heard both sides. All these matters arise out of the refusal to grant dearness relief on family pension to the applicants who are all appointees on compassionate grounds following bereavement suffered by them due to the death of former employees who were the family members in employment with the Railways. The Supreme Court has in UNION OF INDIA AND OTHERS v. G.VASUDEVAN PILLAY AND OTHERS ETC (C.A.Nos.3543-46 of 1990 etc. decided on 8-12-1994) has gone into the question and has held as follows:-

" 10. Denial of DR on family pension.

In some of the cases, we are concerned with the denial of Dearness Relief on family pension on employment of dependents like widows of the ex-servicemen. This decision has to be sustained in view of what has been stated above regarding denial of D.R on pension on re-employment inasmuch as the official documents referred on that point also mention about denial of D.R. on family pension on employment. The rationale of this decision is getting of Dearness Allowance by the dependents on their pay, which is drawn following employment, because of which Dearness Relief on family pension can justly be denied, as has been done."

It is brought to our notice that our sister Bench at Madras following the decision of the Supreme Court supra has held that Dearness Relief on family pension in regards to appointees on compassionate grounds is impermissible. The dicta of the Supreme Court further reinforced by the pronouncement of the Madras Bench in O.A.Nos.579 and 1154 of 1994 leaves no option except

to follow the two decisions and as a sequel thereto we hold that none of the applicants would be entitled to Dearness Relief on family pension subsequent to the death of the bread winner in the family. This being the only point arising for consideration and the same being found to be without any merit, these applications therefore fail and are accordingly dismissed. No costs.

Shri A.N.Venugopala Gowda, learned Standing Counsel for Railways is permitted to enter appearance on behalf of the Railway administration and is given two weeks' time to file his memo of appearance.

Sd/-

MEMBER(A)

Sd/-

VICE-CHAIRMAN.

np/

TRUE COPY

[Signature]
29/3/95
Section Officer
Central Administrative Tribunal
Bangalore Bench
Bangalore