

## CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE BENCH

\*\*\*\*\*

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

LIST OF PAPERS IN OA/RA/DR/TX 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.	— <del>REO</del> —
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 vakalithnama/memo of appearance	-- do --
10.	All other papers not already specified.	-- do --

\*pvk

K. S. S. M.

J.

In the Central Administrative Tribunal  
 Bangalore Bench  
 Bangalore

[SMB]

ORDER SHEET

Application No. .... 512 of 1995

Respondent

Applicant

NT Anyasuyamma

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 aplnt 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 &amp; posted before the Bench for prl.hg &amp; admn on 31.01.95.</p> <p>IPO removed.</p> <p>30.1.95</p> <p>13.2.95</p> <p>call on 9.3.95</p> <p>DDO      &amp;      CO      CT</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>Yours      M(A)</p>

Date

Office Notes

Orders of Tribunal

9.3.95

Dismissed vide order  
in OA 511/95

1200

+  
10  
11V

22.3.95

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

JKW  
T

[SMB]

.....  
Diary No. 186/95-JL

REPORT ON THE SCRUTINY OF APPLICATION

Date of presentation

..... 18.1.95

Presented by: Sri K. V. Shanmuga

Applicant(s) .... N. T. Anbilayamma

Respondent(s) .... M. D. M. A.

Nature of Grievance Grant of DA, on family  
relief

No of aplnts: .....

No of respdts: Three

DA No. 512/95

DB / SMB

CLASSIFICATION

Subject: .... Same as above (No )

Department: Railway (No )

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

3

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

3

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

3

(b) Have the copies been duly signed?

2

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

2

4. Whether all the necessary parties  
are impleaded?

3

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

..... 2/

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

out of time - If A to be filed

for C.P.

7. Has the Vakalathnama/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 direct hearing

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-H-86 onwards.  
Except appeal.

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- It has to 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 referred to do

needful in two weeks.

Section Officer

To  
20/1/95

& P13

Deputy Registrar

Also

DR (T)

(Term needed in P13)

Registrar.

See

A-2 & A-3?

20/1/95

JJ

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

Rehd. Date 27.1.95  
Maybe Ptd. on 31/1/95  
(2) Since the administration has taken a policy decision to grant CAT to family members of deceased employees who have obtained CATS orders, there is no script for exhausting further remedy with the department than approaching the Honorable Tribunal. In this connection kindly convey application No 1205/94 Shantamurti & others wherein relief has been granted to 12 employees similarly placed

K. V. Sharma  
Advocate  
27/1/95

Subsd:

In view of the claim which is funded by the counsel, may this be registered off and posted before Bench for admission on 31.1.95 alongwith the O.A.

92  
31-1-95

<sup>the 1st</sup>  
Reg: Classification of the Adv. at pre-page, it is stated that Bench has to determine the same 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. <sup>admit</sup> Bench has powers to ~~accept~~ <sup>admit</sup> 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. (705/94), 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.O.S. for pre-rg. & adm on 31.1.95.

Registrar  
JI

W.M. 27/1/95

D. Bhay  
27/1/95

True copy made by Alfred V. Shanmugam Adv. on 18.1.95  
Plaghe Alfred on 27/5/94 -  
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:

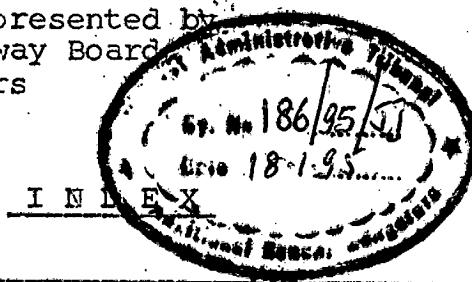
N.T. Anasuyamma

Applicant

AND

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

Respondents



S1. Description of the documents  
No. 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 13
4. Vakalath	13-14

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

X N.T. Anasuyamma.

Signature of the Applicant

K. V. Shanmugam

Counsel for the Applicant

For use in the Tribunal office

Date of Receipt by post

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.

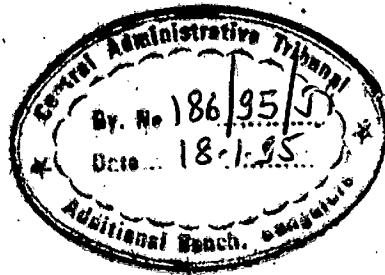
2. JURISDICTION OF THE TRIBUNAL:

The applicant declares the subject matter of orders against which ~~they~~ 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. Sharma



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 Respondents 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 <sup>Subsequently</sup> before this Honourable Tribunal.

K. V. Narasimha

(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 A. <sup>41</sup>

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. GROUNDS 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 in 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. Sharma*

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 SEND 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. Sharmane*

• 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, Mahalakshmiapuram,

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,  
Mahalakshmiapuram,  
BANGALORE - 560 086.

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH, BANGALORE

ORIGINAL APPLICATION NO. 593/93

THURSDAY THE EIGHTEEN SIXTH DAY OF MAY, 1993

MR. JUST-ICE P. K. SHIYAMSUNDAR, VICE-CHAIRMAN

MR. V. RAMAKRISHNAN, MEMBER (A)

Smt. Mythili Rangaswamy,  
Chief Clerk,  
Office of the Chief Engineer (Cons),  
Railways No. 18, Millers Road,  
Bangalore - 560 001  
Applicant

(By Advocate Aniruddha Desai.)

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

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

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

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

5. Union Minister  
Ministry of Railways

represented by its  
Secretary to Government of India

Respondents

(By learned Standing Counsel for Railways)

K. V. Shamareswara, B.Sc., B.L.

Advocate

No. 1202, 1st Floor, 1st Main Road,

W.O.C. R. N. N. Mahalakshmi Puram,

BANGALORE - 560 086.

Shri K. N. Venugopal

R. V. Sharma  
Advocate

MR. JUSTICE P. K. SHYAMALDAR, VICE CHAIRMAN

That applicant Smt. Mythili Rangaswamy is the  
widow of Smt. Rangaswamy who died in service while  
serving the Railway Administration currently

represented by R-1 to R-5 in this application. When  
Rangaswamy died while in service, the applicant was  
given a family pension including DA as well. It is  
transpired that the applicant Mythili Rangaswamy  
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 (Annikulu Ad). A clarificatory order of  
Smt. 2 has been produced by the Railway Administration  
in that behalf.

Aggravated by this, the order of 1977, which authorizes  
100.00 DA for DA on family pension, the  
applicant petitioned for restoration of the second  
benefit from 1977 but without any result. Hence

this application for restoration of the D.A. on  
family pension etc. etc. Railing 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

asks 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 remonstrating that her plea was not responded from them, she has approached this Tribunal for redressal of her grievances. The application is regulated 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 Railway and has utilised the gratuity family pension fund all that the Administration has taken away is the D.A. which is otherwise compensated by the gratuity the applicant ought

We have heard the learned counsel for the applicant and the learned Standing Counsel Shri V.N. Venugopal. We are not inclined to accept this 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 of it in the following

order and we are somewhat compelled to notice that there is no legal sanction for

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

R.M. Seance

Family pension accorded to a widow of an deceased 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 award any kind of administrative sanction in the absence of any legal authority.

6. The grant of family pension or any 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. Those rules provide for payment of DA on family pension and in the absence of any other rule giving power to the Administration to take away that relief of DA, the Administration could not have removed the same. We think that any administrative flat would not be adequate for denying that benefit.

We may point out that Rule 58(A)(II) 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 Central or 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 rule applies to a person who is

K. V. Shashi

(1) (2)

an appointment on compensation grounds. Be 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.

Let, therefore, strike down that part of A-P 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 1970 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 regarding payment of DA on family pension just to one year prior to the making of this application. This application having been filed in June, 1989, she would become entitled to payment of DA on family pension from the month of June, 1988.

K. V. Sharma

K. V. Sharman, B.Sc., B.L.  
W.O.C.T.  
BANGALORE - 560 088  
To the Hon'ble Mr. Justice in Read.

11  
12  
and onwards. Accordingly, we make a direction  
to the respondents for grant DA on family  
tenure 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.

Set-  
Set-  
( V. RAMAKRISHNA ) ( P.K. SHYAMALDAR )  
PH.D.L.(A) VICE CHAIRMEN

TRUE COPY

RECEIVED OFFICE

CENTRAL ARRESTORY TRIBUNAL

AGRAHARA, BENGALURU

BANGALORE

True copy

K. M. Devaraj

K. D. Shamim, B.Sc., B.L.

No. 1465, 14th Main Road,

W.O.C. Road, Mahalakshimpuram,

BANGALORE - 560 086.



ANEXURE A 22

1922

13

第六十回 舊約翰

BB, P-00000000000000000000000000000000

Patent No. 600 003.  
Dated: 20.05.1994.

DRM/PHAS, T.PJ, PGT, MDU, MYS, TWC & SBC

WPA/PIYSS, WPO/GOC, SPO/PER

CWM/LW/PER, CWM/CWYPER.

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

Ref: This office letter No.P (n) 500/Seit/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 S.P. pending in the Hon. Supreme Court of India".

Arrangements may be made for the immediate blockade action on the matter duly advising this office.

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K. V. Tharee

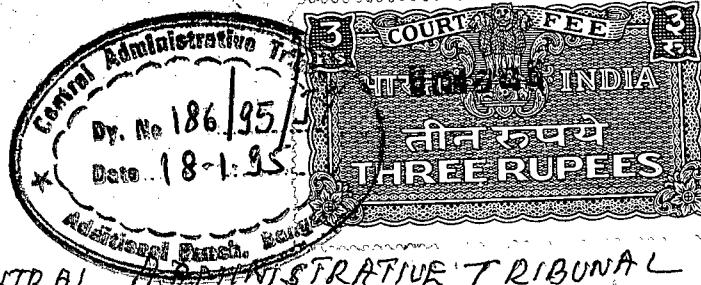
V. Shamanna, B.Sc., B.L.

Admirante, ..

1465 Main Road.

No. 1465. TIRUVANANTHAPURAM,  
S. P. and Mahalakshminipuram,

U.S.A. 1086 = 160 086.



CENTRAL ADMINISTRATIVE TRIBUNAL  
In the High Court of Karnataka at Bangalore

No.

dt 1995

Appellant/s, Petitioner/s,

VS.

Defendant/s, Respondent/s

Plaintiff/s, Complainant/s

Accused/Judgement-Debtor/s

Decree-Holder/s/Caveator

N. ANASUYAMMA

Opponent/s  
Lawyer of Iadka represented  
by the General Manager Charon  
Railway Board New Delhi  
and 3 others

1/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 arisingt 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 retaien 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. Shamanna  
Advocate, B.Sc., B.L.

No. 1465, 14th Main Road,  
W.O.C. Road, Mahalakshmiapuram,

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

X N. T. Anasuyamma

Signature/s

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 aigned in the presence.

Accepted

K. V. Shamanna

Advocate for applicant

Place : Bangalore

Date: 16 - 1 - 1995

Address for service

K. V. Shamanna, 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. Anandaramu, Advocate for Applicant  
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)

O R D E R

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/-

Sd/-

MEMBER(A)

VICE-CHAIRMAN.

np/

TRUE COPY  
*Y*  
29/3/95  
Section Officer  
Central Administrative Tribunal  
Bangalore Bench  
Bangalore