

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 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)

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


Section Officer
Central Administrative Tribunal
Bangalore Bench
Bangalore

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