

CENTRAL ADMINISTRATIVE TRIBUNAL: BANGALORE BENCH: BANGALORE

ORIGINAL APPLICATIONS NUMBERS 544, 550 AND 551 OF 1995

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

Mr. Justice P.K. Shyamsundar,

Vice-Chairman.

Mr. T.V. Ramanan,

.. Member(A)

1. Smt. M.C. Prabhamani,
W/o late Kongappa,
Aged about 40 years,
working as Accounts Assistant,
Divisional Accounts Office,
Southern Railway, Mysore. .. Applicant in O.A. 544/1995
(By Advocate Shri M.S. Anandaramu)
2. Smt. Laxmamma,
W/o late Ramalingu,
Major, working as Peon,
Divisional Engineering/Works
Branch, Divisional Office,
Southern Railway, Mysore.
3. Smt. Jayalakshamma,
W/o late Basavaiah,
Major, working as Building
Sweeper, IOW Office,
Mysore.
4. Smt. Jayamma,
W/o late Masthe Gowda,
Major, working as Building
Sweeper, IOW Office, Southern
Railway, Mysore.
5. Smt. Anthony Mary,
W/o late A. Chinnappa,
Major, working as Building Sweeper,
IOW Office, Southern
Railway, Mysore.
6. Smt. Laxmamma,
W/o late Singri Narashimhaiah,
Major, working as Building Sweeper,
IOW Office, Southern Railway,
Mysore.
7. Smt. Abisheka Mary,
W/o late M. Rathnam,
Major, working as Building Sweeper,
IOW Office, Southern Railway,
Mysore.
8. Smt. Lakshmi Bai,
W/o late S. Dharmalal, Major,
Working as Building Sweeper,
IOW Office, Southern Railway,
Mysore. .. Applicants (contd..)



9. Smt. Puttamma,
W/o late Nanjundaiah,
Major, Working as Building Sweeper,
IOW Office, Southern Railway,
Mysore.
10. Smt. Lakshamma,
W/o late Hanumantha,
Major, working as Building Sweeper,
IOW Office, Southern Railway,
Mysore.
11. Smt. Doddamma,
W/o late Papaiah, Major,
Working as Building Sweeper,
IOW Office, Southern Railway,
Mysore.
12. Smt. K.N.Shyamala Kumari,
W/o late P.Chandran, Major,
working as Peon, DOM Office,
Southern Railway, Mysore.

.. Applicants 1 to 11
in O.A.550 OF 1995.

(By Advocate Shri M.Raghavendra Achar)

13. A.Susheela,
W/o late Sathasivam,
Aged about 44 years,
Teacher, Railway Mixed Primary
School, Bangalore, residing at
No.209B, Railway Quarters,
M.G.Colony, Bangalore-23.

.. Applicant in A.No.551/1995.

(By Advocate Sri K.V.Shamanna)

v.

1. The Union of India
by its Secretary, Ministry
of Railways, Rail Bhavan,
New Delhi.

.. Respondent-1 in
O.A.Nos.544 & 550/1995

2. The Chairman,
Railway Board, (Ministry of Railways),
Rail Bhavan, New Delhi.

.. Respondent-1 in O.A.551/1995

3. The General Manager,
Southern Railways, Park Town,
Madras.

.. Respondent-2 in
O.A.Nos.544 & 550/1995

3. The Chief Personnel Officer,
Southern Railway, Park Town,
Madras-600 003.

.. Respondent-2 in O.A.551/1995

4. The Divisional Railway Manager,
Southern Railway, Mysore

.. Respondent-3 in
O.A.Nos.544 & 550/1995

5. The Divisional Personnel Officer,
Southern Railway, Mysore.

.. Respondent-4 in
O.A.Nos.544 & 550/1995

6. The Divisional Railway Manager,
Divisional Office, Southern
Railway, Palghat.

.. Respondent-3 in O.A.551/1995

(By Standing Counsel Shri N.S.Prasad)

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 N.S.Prasad, 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