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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

• D.A. No. 499/91.

Dt. of Decision : 29-8-94.

Mr.R.L.Seth

.. Applicant.

Vs

1. The Director General of Posts,
Department of Posts,
Govt. of India,
New Delhi - 110 001.
2. The Chief Postmaster General,
A.P.Circle, Hyderabad-500 001.
3. The Secretary,
Ministry of Communications,
Govt. of India, New Delhi-1.
4. The Secretary, Ministry of Finance,
Dept. of Expenditure,
Govt. of India, New Delhi - 1.

.. Respondents.

Counsel for the Applicant : Mr. S.Ramakrishna Rao

Counsel for the Respondents : Mr. N.V.Ramana, Addl.CGSC.

CORAM :

THE HON'BLE SHRI JUSTICE V.NEELADRI RAO : VICE CHAIRMAN

THE HON'BLE SHRI A.B. GORTHI : MEMBER (ADMN.)

(37)

6.A.NO.499/91.

JUDGMENT

Dt: 29.8.94

(AS PER HON'BLE SHRI JUSTICE V.NEELADRI RAO, VICE CHAIRMAN)

Heard Shri S.Ramakrishna Rao, learned counsel for the applicant and Shri N.V.Ramana, learned standing counsel for the respondents.

2. The applicant retired from service on 1.3.1974. The applicant was paid Death-cum-Retirement Gratuity (DCRG) @ $14\frac{1}{2}$ times of the last pay drawn. He was not paid any amount by way of encashment of leave which was at his credit at the time of his retirement. DA at 272 points of the Cost of Living Index was not taken into consideration for calculating his pension.

3. This OA was filed praying for, (i) recomputation of pension merging DA at 272 points of cost of living index with pay effective from 30.9.1977; (ii) for payment of cash in lieu of leave at credit on retirement as per letter No.14028/1/77-E.V(A), dated 29.10.1977 effective from 30.9.1977; and (iii) for payment of residual DCRG of 2 months as per GIMF OM No.F1(14)-E.V.(B)/76, dated 22.9.1977.

4. It is stated that Madras Bench of Central Administrative Tribunal allowed OA 322/87 wherein these three similar reliefs were claimed and the

contd....

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Copy to:-

1. The Director General of Posts, Department of Posts, Government of India, New Delhi-110 001.
2. The Chief Postmaster General, A.P. Circle, Hyderabad-500 001.
3. The Secretary, Ministry of Communications, Government of India, New Delhi-1.
4. The Secretary, Ministry of Finance, Department of Expenditure, Government of India, New Delhi-1.
5. One copy to Mr. S. Ramakrishna Rao, Advocate, CAT, Hyd.
6. One copy to Mr. N. V. Ramana, Addl. CGSC, CAT, Hyderabad.
7. One copy to Library, CAT, Hyderabad.
8. One spare.

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same ~~was~~ suspended by the Supreme Court in SLP No. 7049/89 by the order dated 24.7.1989.

5. This Bench also allowed OA 427/89 by the order dated 26.2.1991 wherein all the three reliefs which are similar were claimed. The order therein was also suspended by the Supreme Court by the order dated 2.7.1991 in SLP 9906/91. As the claim of the applicants in the above OAs in regard to the three reliefs referred to are going to be considered by the Supreme Court, it would be an exercise in futility if the same are going to be considered by this Bench.

6. Hence, it is just and proper to dispose of this OA by the following order:-

If the SLPs referred to above are allowed, this OA stands dismissed. If the SLPs above are going to be dismissed in regard to any one of those reliefs or more than one of those reliefs or if the SLPs are going to be dismissed, ^{in part} this OA stands allowed in part or in full as the case may be. If it is necessary to adjudicate any point after disposal of the above SLPs, either the applicant or the respondents are at liberty to move this Bench by way of a Miscellaneous Application in this OA. The OA is ~~disposed~~ ^{of} accordingly. No costs.

(A.B.GORTHI)
MEMBER (ADMIN.)

Neeladri Rao
(V.NEELADRI RAO)
VICE CHAIRMAN

Dated: 29th August, 1994.
Open court dictation.

vsn

Amby 28/8/94
Dy. Registrar (Judl)

09-499/91
TYPED BY

CHECKED BY

COMPARED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR.JUSTICE V.NEELADRI RAO
VICE-CHAIRMAN

AND

A. B. Gorathi
THE HON'BLE MR. R. RANGANATHAN : M.A.D.M.

DATED: 29-8-94

ORDER/JUDGMENT

M.A.No./R.A/C.A.No.

O.A.No. *499/91* in

C.T.A.No.

(W.P.NO.)

Admitted and Interim directions
Issued.

Allowed.

no spare copy

Disposed of with directions.

Dismissed

Dismissed as withdrawn

Dismissed for Default.

Ordered/Rejected

No order as to costs.

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