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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No.1483/93

Date of Order: 16.12.93

BETWEEN:

1. J.Kousalya
2. M.Mahalakshmi
3. P.Appalanarasamma
4. Ommi Goudo
5. Srikakulam Simhachalam
6. P.Ramanamma
7. I.Kannamma

.. Applicants.

A N D

1. Union of India. rep. by its
Secretary (Establishment)
Rly. Board, New Delhi.
2. General Manager, S.E.Rly.,
Garden Reach, Calcutta
3. Divl. Railway Manager (P),
S.E.Rly., Waltair,
Visakhapatnam - 530 004.
4. Sr. Divl. Accounts Officer,
(open Line) S.E.Rly.,
Waltair, Visakhapatnam.
5. District Treasury Officer,
Collector's Office,
Visakhapatnam.
6. Sub Treasury Officer,
Seethammadhara,
Visakhapatnam.

.. Respondents.

Counsel for the Applicants

.. Mr.P.B.Vijay Kumar

Counsel for the Respondents

.. Mr.N.R.Devraj

CORAM:

HON'BLE Mr.JUSTICE V.NEELADRI RAO : VICE-CHAIRMAN

HON'BLE SHRI R.RANGARAJAN : MEMBER (ADMN.)

Judgement

(As per Hon. Mr. Justice V. Neeladri Rao, Vice Chairman)

Heard Sri Patro for Mr. P.B. Vijayakumar, learned counsel for the applicants and Sri N.R. Devaraj, learned counsel for the respondents.

2. All the seven applicants herein are widows of deceased employees. On the death of their respective husbands they ~~were~~ ^{were} appointed on compassionate grounds. Till march, 1993 all these applicants were paid the dearness relief on family pension also. But from March, 1993 the dearness relief is not paid. The dearness relief paid ~~from April~~ ⁱⁿ to March, 93 is being recovered from out of the family pension payable from September, 93. Hence this OA was filed praying for direction to R-5 and R-6 to continue to disburse family pension and dearness ~~allowance~~ ^{relief} thereof as admissible from time to time notwithstanding that they are employed in Railways.

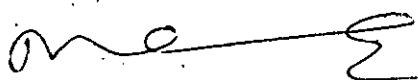
3. These applicants are getting salary and the dearness allowances thereon from the ~~time~~ ^{time} they were employed in the Railways. They ~~are~~ ^{were} also being paid the family pension and the dearness relief as per rules, ^{in March 1993} When the concerned authority had not chosen to pay the dearness relief on family pension, OAs were filed before the Ernakulam and Madras Benches and therein it was held that it is not open to the authorities to ~~withhold~~ ^{withhold} dearness ~~relief~~ ^{relief} on family pension when there is no specific statutory provision to that effect. Accordingly those OAs were allowed. This Bench held in OA.1116/93 ordered on 13-9-1993 that there are no reasons to differentiate from the order dated 31-1-92 in OA.801/91 on the file of the Madras Bench and the order


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dated 25-1-1993 in OA.1132 to 1134 of 1992 on the file of Ernakulam Bench and accordingly the said OAs ~~were~~ ^{was} allowed.

4. ~~Even now the respondents have not drawn the attention~~
~~of this Bench to any statutory provision for withholding~~
dearness ~~relief~~ ^{There is no} on family pension if such pensioner is engaged in Government service. Thus a direction ^{is hereby} shall be given to the respondents to continue to pay dearness relief on family pension from the time it is withheld, and if any ^{admitted for recovery of dearness relief paid,} family pension is ~~despatched to the same~~, the said family pension had to be paid to the applicants.

5. The OA is ordered accordingly at admission stage.
No costs.


(R. Rangarajan)
Member (Admn)


(V. Neeladri Rao)
Vice Chairman

Dated : December 16, 93
Dictated in the Open Court


Deputy Registrar

To

1. The Secretary, Union of India, (Establishment)
Railway Board, New Delhi.
 2. The General Manager, S.E.Rly, Garden Reach, Calcutta-43
 3. ^{sk} The Divisional Railway Manager(P) S.E.Rly, Waltair,
visakhapatnam-4.
 4. The ~~Se~~ Divisional Accounts Officer, (Open Line)
S.E.Rly, Waltair, visakhapatnam-4.
 5. The District Treasury Officer, Collector's Office, visakhapatnam.
 6. The Sub Treasury Officer, Seethammadhara, visakhapatnam-13
 7. One copy to Mr.P.B.vijay Kumar, Advocate, CAT.Hyd.
 8. One copy to Mr.N.R.Devraj, SC for Rlys. CAT.Hyd.
 9. One spare copy.
 10. ^{one copy to library}
- pvm.

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