

(12)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : AT HYDERABAD.

* * *

O.A. 1621/93

Dt. of Decision : 2.2.94.

Smt. M.Devi

.. Applicant.

Vs

1. Union of India, rep. by the
Secretary to Government,
Ministry of Finance,
Department of Economic Affairs,
New Delhi.
2. The General Manager,
Security Printing Press,
Mint Compound,
Saifabad,
Hyderabad.
3. The pay and Accounts Officer,
Pay & Accounting Unit,
Security Printing Press,
Mint Compound.

Counsel for the Applicant : Mr. N. Rama Reddy

Counsel for the Respondents : Mr. V. Bhimanna, Addl. CGSC.

CORAM:

THE HON'BLE SHRI T. CHANDRASEKHARA REDDY : MEMBER (JUDL.)

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

SHAG
L.

To

1. The Secretary to Government, Union of India,
Ministry of Finance, Dept. of Economic Affairs,
New Delhi.
2. The General Manager, Security Printing Press,
Mint Compound, Saifabad, Hyderabad.
3. The Pay and Accounts Officer, Pay & Accounting Unit,
Security Printing Press, Mint Compound, Hyderabad-4.
4. One copy to Mr. N. Ramamohan Rao, ~~Esq.~~, Advocate, CAT. Hyd.
5. One copy to Mr. v. Bhimanna, Addl. QJSC. CAT. Hyd.
6. One copy to Library, CAT. Hyd.
7. One copy to

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(14)

Mr. V. Bhimanna standing counsel for the respondents is, that payment of relief on pension is a compensation for a higher cost of living, and as the applicant is an employee and is being paid dearness relief on pay, that she cannot have the benefit of the relief for dearness relief on her pension. But Mr. V. Bhimanna is not able to support his arguments by any statutory rule, circular or instruction. On the other hand, this Bench in OA No. 1116/93 and OA No. 1117/93 has taken the view that the relief on pension cannot be denied to a person, appointed on compassionate grounds. This Bench, after relying on the decision of fact, in similar cases, ^{as held in} which were decided recently, by this Bench, ^{had} followed the decision of Madras and Ernakulam Bench. So in view of

this position, it will be just and equitable to extend the same judgment in OA No. 1116/93 and OA No. 1117/93 to the applicant herein also, as the applicant herein stands on a similar ^{footing} in all respects to the applicant in OA 1116/93 and 1117/93. Hence the order directed to pay relief on family pension to the applicant with effect from 1.12.1992.

6. CA is allowed accordingly. No Costs.

Date.....
Court Officer
Central Administrative Tribunal
Hyderabad Bench
Hyderabad

8/3/94

Supreme court File No. 69/96

Sup. C. 52

IN THE SUPREME COURT OF INDIA

CRIMINAL/CIVIL APPELLATE JURISDICTION

Certified to be true copy

367157

Assistant Registrar (Judl.)

21-7-1999

Supreme Court of India

No.

of

CIVIL APPEAL NOS. 11974 TO 11977 OF 1996.

(Appeals by Special Leave from the Judgment and Order dated the 10th January, 1993 and 2nd February, 1994, of the Central Administrative Tribunal, Hyderabad Bench at Hyderabad in O.A. Nos. 1631 of 1993, 8 of 1994 and 10 of 1994 and O.A. No. 1621 of 1993 respectively)

1. Union of India, rep. by the Secretary to Govt., Ministry of Finance, Department of Economic Affairs, New Delhi.
2. The General Manager, Security Printing Press, Mint Compound, Safabad, Hyd-4.
3. The Pay & Accounts Officer, Pay & Accounting Unit, Security Printing Press, Mint Compound, Safabad, Hyderabad.
4.Appellants.

-Versus-

1. Smt. S. Prabhavathi (Applicant in O.A. No. 1631/93)
2. Smt. V. Maheshwari (Applicant in OA No. 8/94)
3. Smt. H. Devi, (Applicant in OA 1621/93)
4. Smt. G. Neelakshmi (Applicant in O.A. 10/94)

All the above four respondents are working in Security Printing Press, Mint Compound, Safabad, Hyderabad - 500 004.Respondents.

17th August, 1999

CORAM:

HON'BLE MRS. JUSTICE SUJATA V. MANOHAR
HON'BLE MR. JUSTICE M. JAGANNADHA RAO

For the Appellants : Mr. N.N. Goswami, Senior Advocate
(Mr. Y.P. Mahajan, Advocate with him)

The Appeals above-mentioned being called on for hearing before this Court, and after perusing the record and hearing counsel for the Appellants herein, the respondents not appearing though served and the

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appeals being set down for hearing ex-parte as against the said respondents, THIS COURT DOTH PASS the following ORDER:

"The subject matter of these appeals is covered by the ratio of the decision of this Court in Union of India Vs. G. Vasudevan Pillay and Ors. reported in (1995) 2 SCC 32. The Civil Appeals are allowed accordingly."

AND THIS COURT DOTH FURTHER ORDER that this ORDER be punctually observed and carried into execution by all concerned;

WITNESS the Hon'ble Dr. Adarsh Sein Anand, Chief Justice of India, at the Supreme Court, New Delhi, dated this the 17th day of August, 1999.

(I.J. SACHDEVA)
JOINT REGISTRAR.

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NOS. 11974-11977 OF 1996

Certified to be true copy

Bishn

Assistant Registrar (Judl.)

25th August 1999

Supreme Court of India

U.D.I. & Ors.

360664

Appellant (s)

versus

Prabhawathi & Ors.

Respondent (s)

ORDER

The subject matter of these appeals is covered by the ratio of the decision of this Court in Union of India vs G. Vasudevan (1995) 2 SCC 32. The Civil Appeals are allowed accordingly.

Sd/-

.....J.
(Sujata V. Manohar)

Sd/-

.....J.
(M. Jagannadha Rao)

New Delhi,
August 17, 1999.

ORDER

¶ As per Hon'ble Shri T. Chandrasekhara Reddy, Member (Judl.) ¶

This is an application filed under section 19 of the Industrial Disputes Act, to direct the respondents to pay the relief on family pension and also

relief on the said family pension.

2. To adjudicate this OA the facts so far necessary in brief, are as follows:-

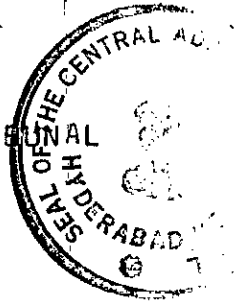
3. The applicant's husband was ^{one} Sri M. Shanker who was working as ^a Machine Minder - II in Security Printing Press Hyderabad. The said M. Shanker died on 21.11.90 in service. The applicant who is the widow of the said Shanker was sanctioned an amount of Rs. 588 towards family pension for the first 7 years that is up to 21.11.90 and Rs. 375/- thereafter.

4. While so, on compassionate grounds the applicant was appointed as Sweeper on 12.11.90 in the same department. The respondents have denied the payment of relief on pension with effect from the date of her appointment as Sweeper. So the applicant had filed this Tribunal for the relief as already indicated above.

--- Heard Mr. Siva for Mr. N. Rama Mohana Rao counsel for the applicant and Mr. V. Bhimanna standing counsel for the respondents. One of the arguments of

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* * *



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.. Applicant.

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Hyderabad.

3. The pay and Accounts Officer,
Pay & Accounting Unit,
Security Printing Press,
Mint Compound,
Hyderabad - 500 004.

.. Respondents.

Counsel for the Applicant : Mr. N.Rama Mohana Rao
Counsel for the Respondents : Mr. V.Bhimanna, Addl.CGSC.

CORAM:

THE HON'BLE SHRI T. CHANDRASEKHARA REDDY : MEMBER (ADMN.)
THE HON'BLE SHRI R. RANGARAJAN : MEMBER (ADMN.)

5/10/94

To

1. The Secretary to Government, Union of India,
Ministry of Finance, Dept. of Economic Affairs,
New Delhi.
2. The General Manager, Security Printing Press,
Mint Compound, Saifabad, Hyderabad.
3. The Pay and Accounts Officer, Pay & Accounting Unit,
Security Printing Press, Mint Compound, Hyderabad-4.
5. One copy to Mr. v. Bhimanna, Addl. CGSC. CAT. Hyd.
6. One copy to Library, CAT. Hyd.
7. One spare copy.

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Handwritten:
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P-2/8/94
7/8/94

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|---------------------|-------------------|
| Case Number | OA-162198 |
| Date of Judgement | 2-2-94 |
| Copy made | 1 copy on 10-3-94 |
| Section Officer (I) | |

Mr. V. Bhimanna standing counsel for the respondents is, that payment of relief on pension is a compensation for a higher cost of living, and as the applicant is an employee and is being paid dearness relief on pay, that she cannot have the benefit of the relief for dearness relief on her pension. But Mr. V. Bhimanna is not able to support his arguments by any statutory rule, circular or instruction.

On the other hand, this Bench in OA No. 1116/93 and OA No. 1117/93 had taken the view that the relief on pension

cannot be denied to a person, appointed on compassionate grounds. This Bench, after relying on the decision of

Madras and Ernakulam Bench^{es} had held so. As a matter of fact, in similar cases^{es} were decided recently by this

Bench^{es} had followed the decision of Madras and Ernakulam Bench^{es} So in view of

this position, it will be just and equitable to extend

OA No. 1117/93 to the applicant herein also, as the applicant herein stands on a similar footing in OA 1116/93 and 1117/93. Hence the respondents are hereby directed to pay relief on family pension to the applicant

6. OA is allowed accordingly. No Costs.

TRUE COPY
Date.....
Court Officer
Central Administrative Tribunal
Hyderabad Bench

8/3/94