

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

HYDERABAD BENCH : AT HYDERABAD.

* * *

O.A. No. 240/93

Dt. of Decision : 27.12.93

D. Shanta Rao

.. . Applicant.

Vs

1. Union of India represented by the
Secretary to Government,
Ministry of Water Resources,
New Delhi.

2. Chairman, Central Water Commission,
R.K. Puram, New Delhi.

3. Pay and Accounts Officer,
Central Water Commission,
7th Floor, Seva Bhavan,
R.K. Puram, New Delhi.

4. Chief Engineer,
Central Water Commission,
Water Resources Organisation,
Shantinagar, Hyderabad. 28. . . Respondents.

Counsel for the Applicant : Mr. N. Rama Mohan Rao

Counsel for the Respondents : Mr. N.R. Devaraj,
Sr. CGSC.

CORAM:

THE HON'BLE JUSTICE SHRI V. NEELAORI RAO : VICE CHAIRMAN
THE HON'BLE SHRI R. RANGARAJAN : MEMBER (ADMN.)

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15/12/93

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JUDGMENT

[as per Hon'ble Sri R.Rangarajan, Member(Administrative)]

The applicant submits that she is the widow of late Sri D.B.Prasada Rao who worked as Deputy Director in Central Water Commission and expired on 13.6.1983. After the death of her husband, the applicant was sanctioned family pension of Rs.384-00 per month upto 13.6.1990. As the minimum pension has been increased to ~~Rs.~~ Rs.375/- p.m. from 1.1.1986, she will be getting a family pension of Rs.375/- p.m. after 13.6.1990.

2. The applicant was given appointment on compassionate grounds as Stenographer Gr.III with effect from 31.8.1983 and joined the post on the same date. She submits that not only the D.A. on family pension has been stopped but an attempt is being made to recover a total amount of Rs.58,350-00, the D.A. on family pension paid to her earlier, as she was employed as Stenographer Grade.III on compassionate grounds. This O.A. has been filed for a direction to pay the applicant D.A. on family pension from the date she was employed.

3. In the Judgment dt. 13.9.1993 in O.A.No.1116/93 it was held by the Tribunal wherein one of us (Hon'ble Vice-Chairman) was a Member, that D.A. on family pension cannot be withheld for a compassionate ground appointee. The above decision was based on the orders in O.A.No.801/91 dt.31.1.92 on the file of Madras Bench and in O.As. No.1132, 1133 of 1993 and 1134/92 dt. 25.1.1993 on the file of Ernakulam Bench as there is no statutory provision to withhold the D.A. on family pension.

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20/10/93

4. We find no reason to differ from the orders of this Bench in O.A.No.1116/93 and we fully agree with the reasonings given in that O.A.

5. As per the practice followed by this Bench, monetary relief in such cases will be limited to one year prior to the date of filing of this O.A. As this O.A. is filed on 17.3.1993 we direct the payment of D.A. on family pension from 1.3.1992. The interim orders of this Tribunal dt. 22.3.1993 directing the respondents not to make any recovery from the applicant towards the relief amount already paid on the family pension also stands.

6. The O.A. is ordered accordingly. No costs.

Mr.
(R.Rangarajan)
Member(Admn.)

V.Neeladri Rao
(V.Neeladri Rao)
Vice-Chairman

Dated 27 Dec., 1993.

Grh.

Deputy Registrar(Judl.)

Copy to:-

1. Secretary to Government, Ministry of Water Resources, Union of India, New Delhi.
2. Chairman, Central Water Commission, R.K.Puram, New Delhi.
3. Pay and Accounts Officer, Central Water Commission, 7th Floor, Seva Bhavan, R.K.Puram, New Delhi.
4. Chief Engineer, Central Water Commission, Water Resources Organisation, Shantinagar, Hyd-28.
5. One copy to Sri. N.Ram Mohan Rao, advocate, CAT, Hyd.
6. One copy to Sri. N.R.Devaraj, Sr. CGSC, CAT, Hyd.
7. One copy to Library, CAT, Hyd.
8. One spare copy.

Rem/-

*22/12/93
Bill
J. Deb*

O.A.240/93

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : HYDERABAD

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

AND

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

AND

THE HON'BLE MR.T.CHANDRASEKHAR REDDY
MEMBER(J)

AND

THE HON'BLE MR.R.RANGARAJAN : MEMBER(A)

Dated: 27/12/1993

ORDER/JUDGMENT:

M.A/R.A/C.A.NO.

O.A.No.

IN
240/93

T.A.No.

(W.P.)

Admitted and Interim directions
issued.

Allowed.

Disposed of with directions.

Dismissed.

Dismissed as withdrawn.

Dismissed for default.

Rejected/Ordered.

No order as to costs.

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