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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH
AT HYDERABAD

O.A. NO. 1089 of 1994.

Between

Dated: 10.3.1995.

Smt. S.Rani

...

Applicant

And

1. The Chief Accounts Officer, (Telecommunications) O/O
Chief General Manager, Telecom, Nampally, Hyd.
2. The Director General, (Telecommunications) Ashoka road,
New Delhi.

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Respondents

Counsel for the Applicant : Sri. Krishna Devan

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

CORAM:

Hon'ble Mr. A.V. Haridasan, Judicial Member

Contd: ...2/-

Copy to:-

1. The Chief Accounts Officer, (Telecommunications) O/O
Chief General Manager, Telecom, Nampally road, Hyd.
2. The Director General, (Telecommunications) Ashoka road,
New Delhi.
3. One copy to Sri. Krishna Devan, advocate, CAT, Hyd.
4. One copy to Sri. N.R. Devaraj, Sr. CGSC, CAT, Hyd.
5. One copy to Library, CAT, Hyd.
6. One spare copy.

Rsm/-

O.A. 1089/94.


Dt. of Decision : 10-03-95.

ORDER

¶ As per Hon'ble Shri A.V. Haridasan, Member (Judl.) ¶

The applicant was awarded family pension of Rs.375/- plus Dearness Relief at the rates applicable from time to time on the death of her husband who was serving as Telegraphist in Departmental Telegraph Office Chittoor Town and died on 30-06-1979. Subsequently, she got employment on compassionate grounds in Group D posts. As she got employment from July 1987 onwards the respondents have been paying her family pension without Dearness Relief. Aggrieved by the action of the respondents in denying to her Dearness Relief on the family pension for the reason that she got employed, she has filed this application for a declaration that she is entitled to payment of Dearness Relief on family pension and a direction to the respondents give her arrears of family pension from August 1993 onwards, that is one year prior to filing of this application. Though the respondents have not filed any reply to the original application. Shri N.R. Devaraj, learned counsel for the respondents argued that it has been held by the Supreme Court in Union of India & others Vs. G.Vasudevan Pillay & others (1995 (1) Scale Page 9, that the decision of the government in not granting Dearness Relief on family pension to pensioners who got employed cannot be considered unreasonable and unconstitutional.

2. Since the apex court has justified the action of the government in denying Dearness Relief on family pension to pensioners who are employed, I find no merits in this application. In the result, the application fails and the same is dismissed, leaving the parties to bear their own costs.


(A.V. Haridasan)
Member (Judl.)

Dated : The 10th March 1995.

Dictated in Open Court.

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