

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No. 84/94

Date of Order: 7.2.94

BETWEEN :

Smt. P. Mahalaxmi Devi .. Applicant.

A N D

1. The Union of India Rep. by its Secretary, Ministry of Finance, New Delhi.
2. The Chief Controller of Defence Accounts (Pension) O/o the Chief CDA (Pensions), Allahabad. .. Respondents.

Counsel for the Applicant .. Mr. G. Parameswara Rao

Counsel for the Respondents .. Mr. N. V. Ramana

CORAM:

HON'BLE SHRI V. NEELADRI RAO : VICE CHAIRMAN

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

JUDGMENT

I assper Hon'ble Sri R.Rangarajan, Member (Administrative) X

Heard Sri G.Parameshwar Rao, learned counsel for the applicant and Sri N.V.Ramana, learned counsel for the respondents.

Sri P.Gopalakrishna, who worked as Chargeman, Grade-I in the Ordnance Factory Project, Medak and expired on 9.7.1986.

After the death of her husband the applicant was sanctioned family pension of Rs.450-00 P.M. for 7 years and at reduced rates thereafter vide Pension Payment Order T.S.No.989.

The applicant was given appointment on compassionate grounds as L.D.C. with effect from 14.11.1986.

3. The applicant submits that she was not paid any D.A. on family pension ~~from the time she was employed as~~ LDC on compassionate grounds.

4. This O.A. has been filed for a direction to the respondents to pay the applicant the D.A. from the date she was employed, based on the orders in O.A.No.801/91 dt. 13.1.92 as reported in X ATR 1992 (CAT) 75 X on the file of the Madras Bench and in O.As. 1132, 1133 and 1134 of 1992 dt. 25.1.93 on the file of Ernakulam Bench. In all these citations it was decided that compassionate ground employee is entitled for D.A. on the family pension as there is no statutory rule to prohibit the payment of D.A. on the family pension even though they are employed on compassionate grounds.

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5. We find no reasons to differ from the orders of the Madras and Ernakulam Bench and we fully agree with the reasonings.

6. As per practice followed by this Bench, monetary relief in such cases will be limited ^{from} to one year prior to the date of filing of the O.A. As this O.A. was filed on 20.1.1994, we direct payment of pension from 20.1.1993.

7. The O.A. is ordered accordingly at the admission stage. No costs.

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

V.Neeladri Rao
Vice-Chairman

Dated 7 Feb., 1994.

Shri 11-3-94
Deputy Registrar(J)CC.

Grh.

To

1. The Secretary, Ministry of Finance,
Union of India, New Delhi.
2. The Chief Controller of Defence Accounts(Pension)
Or the Chief CDA (Pensions), Allahabad.
3. One copy to Mr.G.Parameswara Rao, Advocate
4. One copy to Mr.N.v.Ramana, Addl.CGSC.CAT.Hyd.
5. One copy to Library, CAT.Hyd.
6. One spare copy.

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APPROVED BY

IN THE CIVIL ADMINISTRATIVE TRIBUNAL

HYDERABAD BENCH AT 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(JUDL)

AND

THE HON'BLE MR.K.RANGARAO : MEMBER
(ADMN)

Dated: 7-2-1994.

ORDER/JUDGMENT:

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

O.A.No.

T.A.No.

84 | in
94.

(W.F.No.)

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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