

(16)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD.

O.A.No.1118/94.

Date of order : 10.2.1997.

Between

M.Kameshwar Rao

.. Applicant

And

1. The Chief General Manager,  
Telecommunications,  
Doorsanchar Bhavan,  
Hyderabad.

2. The Director-General,  
Telecommunications,  
Sanchar Bhavan,  
New Delhi.

3. Union of India,  
Reptd. by its Secretary,  
Min. of Finance,  
New Delhi.

4. The General Manager,  
Telecom. Dist.,  
East Godavari,  
Rajahmundry.

.. Respondents

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Counsel for the Applicant .. Shri K.Venkateswara Rao

Counsel for the Respondents .. Shri N.V.Raghava Reddy,  
Addl. CGSC

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C O R A M

Hon'ble Shri Justice M.G.Chaudhari : Vice-Chairman

Order

(Per Hon'ble Shri Justice M.G.Chaudhari : Vice-Chairman)

The applicant is employed as R.T.C. Driver under the respondents. His deceased wife late G.Krishna Kumari was employed in the Dept. of Telecommunications. She died on 9.8.1980. As the surviving spouse, the applicant was granted family pension from 10.3.80. The dearness relief on the family pension however has not been granted on the ground that he is already employed. The applicant seeks direction to the respondents to pay the dearness relief from the due date.

*[Signature]*

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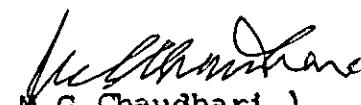
- 2 -

2. Similar question was raised by widows of Govt. employees who died in harness, in O.A.No.306/94 and batch of 81 cases. After a detailed analysis of the relevant provisions and case law those applications have been dismissed by the judgement and order separately delivered today in view of the decision of the Supreme Court in Union of India Vs. G.Vasudevan Pillai & Ors. 1995 SCC (L&S) P.396.

3. Same are the contentions of the present applicant.

Although Rule 55A(ii) of CCS (Pension) Rules, 1972 was amended on 9.2.91, since the same principle was followed by the respondents earlier it cannot make any difference. Hence for the reasons recorded in that order the instant O.A is disposed of in terms of the following order:

- (i) O.A. dismissed with no order as to costs but subject to following clauses.
- (ii) Liberty to applicant to file a review application in the same terms as provided in clause (ii) of operative order of the judgement and order in O.A.No.306/94 (and other cases) dated 10.2.1997.
- (iii) A copy of the order in O.A.No.306/94 (and batch) dated 10.2.1997 shall be kept in the record of this O.A. and shall be treated as part of this order.

  
( M.G. Chaudhary )  
Vice-Chairman.

Dated: 10.2.1997.

br.

  
Deputy Registrar (D) cc

O.A.1118/94.

To

1. The Chief General Manager,  
Telecommunications, Doorsanchar Bhavan,  
Hyderabad.
2. The Director General, Telecommunications,  
Sanchar Bhavan, New Delhi.
3. The Secretary, Union of India,  
Ministry of Finance, New Delhi.
4. The General Manager, Telecom Dist.  
E.G.Dist. Rajahmundry.
5. One copy to Mr.K.Venkateswar Rao, Advocate, CAT.Hyd.
6. One copy to Mr.N.V.Raghava Reddy, Addl.CGSC. CAT.Hyd.
7. One spare copy.
8. Copy to D.R.(A) CAT.Hyd.

pvm.

28/2/97

I COURT

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COMPARED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH AT HYDERABAD.

— M. S. CHAUDHARI  
VICE-CHAIRMAN

AND

THE HON'BLE MR. H. RAJENDRA PRASAD  
MEMBER (ADMN)

Dated: 10-2-1997

ORDER ~~JUDGMENT~~

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

in

O.A.No. 1118.194

TABLE NO. 1 (W. P. C.)

Admitted and Interim Directions  
Issued.

Allowed.

Disposed of with direction.

D. dismissed.

Dismissed as withdrawn.

Dismissed for default.

Ordered/Rejected.

to order as to costs.

pvm.

केन्द्रीय प्रशासनिक अधिकरण  
Central Administrative Tribunal  
दिल्ली /DESPATCH

24 FEB 1997  
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हिंदुस्थान ल्यायली  
HINDUSTHAN LIAILY  
HINDUSTHAN LIAILY