

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : ANDHRA PRADESH: HYDERABAD

O.A.No. 698 /'94

BETWEEN:

Smt. P. ~~HANAKALAKSHMI~~

.. Applicant

Represented by Advocate Krishna Devan

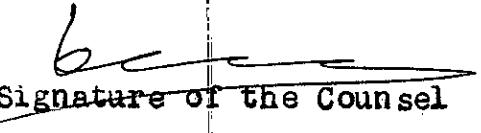
A N D

The Director of Accounts (Postal)
A.P. circle, Hyderabad
and 2 others

.. Respondents

DATE OF EVENTS

S.No.	Date	Description of Events	Page Nos.
1.	3-4-89	Date on which husband of the applicant died.	2
2.	3-4-89	Date from which Family pension of D.A. Relief was paid to the Applicant.	2
3.	28-1-92	Date on which the applicant was appointed as P.A. in Dept. of Posts.	2
4.	Feb'92	Date from which respondents stopped paying Dearness relief on pension.	2


Signature of the Counsel

IN THE COURT OF CENTRAL ADMINISTRATIVE TRIBUNAL: ANDHRA PRADESH
HYDERABAD

O.A.No. 698 of '94

BETWEEN:

Smt. P.Kanakalakshmi
W/o Late P.Ramarao aged 42 years
working as Postal Asst. in Head Post
Office, Srikakulam Dn. .. Applicant

A N D

1. The Director of Accounts (Postal)
Andhra Circle, Dak Sadan, Abids,
HYDERABAD.
2. The Postmaster,
HPO, Srikakulam.
3. The Union of India Represented by its
Secretary, Ministry of Finance,
New Delhi.

.. Respondents

The address for services of all notices on the applicant is
that of Counsel:-

Mr. Krishna Deven, C.A.T. Advocate,
Door No 2-1107-172/3, Tilaknagar,
New Nallakunta, Hyderabad - 44.

DETAILS OF APPLICATION

1. PARTICULARS OF THE ORDER AGAINST WHICH THE APPLICATION IS MADE:

- i. Order No. : PPO No. S - 3764/FP64
- ii. Passed by : I respondent
- iii. Date of order : 3-3-1992
- iv. Subject in brief : Refusal to grant Dearness relief
on Family Pension.

2. JURISDICTION OF THE TRIBUNAL:

The applicant declares that the subject matter of the present application is within the jurisdiction of this Hon'ble Tribunal under section 14 of the Administrative Tribunal Act, as the applicant is working as Postal Assistant in the jurisdiction of the respondents herein.

3. LIMITATION:

The applicant further declares that the application is within the period of limitation prescribed under section 21 of Administrative Tribunals Act, 1985 as the applicant is challenging the

order dtd. 3-3-1992.

4. BRIEF FACTS OF THE CASE:

a. The husband of the applicant while working as Postal Assistant in Amadalavalasa HO (Srikakulam Dn) passed away on 3-4-1989. On account of death of husband, the respondents have sanctioned and paid family pension to the applicant from 3-4-1989 at Rs. 665/- plus the Dearness Relief at the rates changeable from time to time.

b. While so, the applicant was appointed as Postal Asst. in Srikakulam Town cum Division on 28-1-1992 on compassionate grounds.

c. From February 1992, the respondents have sanctioned and paid Rs. 665/- as pension excluding the dearness relief. On the ground that applicant is not eligible for D.A. relief since working as Postal Clerk. This refusal is explicit from the amount shown to have been drawn in January 1992 and in February 1992 in the III page of the family pension Book No. S 3764/FP 64, and also entries made in the Post Office savings Bank pass book No. 320735. Since February 1992, the family pension at Rs. 665/- is only being paid thus the dearness relief on pension was not paid. The reasons for discontinuing the D.A. relief was already impugned in a batch of cases. Therefore the applicant is constrained to approach the Hon'ble Tribunal seeking justice.

From 4/92, the pension was being paid to the applicant through saving Bank Account no. 320735 of Srikakulam HPO.

d. It is further submitted that the Hon'ble Benches at Madras and Ernakulam in similar cases held that

"The family pensioners entitled to the payment of Dearness relief on pension even though being employed".

following the directions of those benches, the Hon'ble C.A.T. Bench, Hyderabad in O.A.no.1116/93 dt.13-9-1993 and also in a batch of 6 cases upheld the claim of the applicant therein for the payment of Dearness Relief on pension even through employed.

As the applicant is similarly situated to that of the applicants in the above coted cases, similar directions may also be passed in the present O.A. by disposing it at admission stage itself.

5. DETAILS OF REMEDIES EXHAUSTED:

Aggrieved by the decision of the respondents to discontinue the payment of dearness relief, similarly situated officials have already filed the O.A.s which were allowed. Hence the applicant is similar in grievance and the relief prayed for. As the applicant seeking the extension of judgment of those cases, the applicant has no effective and alterate remedy than approaching the Hon'ble Judgment.

6. MATTERS NOT PREVIOUSLY FILED OR PENDING WITH ANY OTHER COURT:

The applicant declares that he has not previously filed any application, writ petition, or suit regarding the matter in respect of which this application has been made before any Court of law or any other authority or any other such bench of this Hon'ble Tribunal and nor any such application writ Petition or suit is pending before them.

7. RELIEF SOUGHT FOR :MAIN RELIEF:

It is therefore prayed that this Hon'ble Tribunal may be pleased to:

- a. To declare that the applicant is entitled to the payment of Dearness Relief at the rates in force on family pension from Feb '92 onwards by extending the relief given in the judgment in O.A.1116/93 dt.13-9-1993 by the Hon'ble Tribunal.
- b. To direct the I respondent to pay the arrears of Dearness Relief on pension from June 1993 i.e. (one year prior to the date of filling of O.A.) within one month from the date of receipt of orders and
- c. Pass such other (or) further orders as deem fit & proper.

8. INTERIM RELIEF:

As same as above in para 7.

9. PARTICULARS OF THE POSTAL ORDER IN RESPECT OF THE APPLICATION:

i. Name of the Post Office : New Nallakunta P.O., Hyderabad.
ii. Amount of the Postal order: Rs. 50/- *date 10/6/94*
iii. No. and Date : 806 923429

10. LIST OF ENCLOSURES:

1. Vakaltnama
2. Postal Order
3. Material Papers
4. Covers, Pads and Acknowledgments

VERIFICATION

I, the above named applicant to hereby verify that the contents of paras 1 to 6 are true to my personal knowledge and paras 7 to 10 are believed to be true on legal advice or my Counsel and that I have not suppressed any material facts.

Hence, verified this the 12th June, 1994
in my presence at Hyderabad.

C
COUNSEL FOR APPLICANT

Hyderabad - A.P.

Date: 16/6/94

P. Venkata Rao Shriniv
APPLICANT