

Dearness Relief on Family Pension

Reg:- To declare that the applicant is entitled to the payment of Dearness Relief ~~at~~ The rates in force on family Pension form 694 IN THE COURT OF CENTRAL ADMINISTRATIVE TRIBUNAL: ANDHRA PRADESH HYDERABAD.

SINGLE MEMBER CASE

O.A.NO. 769 of 95.

Between:

R. Rajulamma

....Applicant,

Single Member Case
AND

Telecom

The Accounts Officer(T.A.), Office of Chief General Manager, Telecom, A.P., Hyderabad and 2 others.

...Respondents.

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APPLICATION

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1. Copy of the Pension Payment Order(Revised) No.949/TCAP/ dt.11.9.87 issued by the Accounts Officer, Telecom, A.P., Hyderabad. 57
2. Copy of the order issued by the Sub Divisional Officer, Telecom, Anakapalli, No.E.50/88-89/81, dated.27.11.89. 8

Cecac
COUNSEL FOR THE APPLICANT

HYDERABAD

DATE: 14-6-95

RO 26/05/95
SIGNATURE OF THE APPLICANT

SIGNATURE OF THE REGISTRAR

*Received
14.6.95
R.N.R. Davari*

O.A. No. 102 of 1934

Between:

M. J. R. J. R. J. R.

A. J. R.

The Associate Clerk (T.A.), Clerk
 of Chief General Manager, Telecom,
 111, Hyderabad and 2 others.

..... Respondent.

DATE OF EVENTS

Date	Description of Event
01-01-37	Date on which the husband of the applicant retired on Medical In- validation grounds from service.
22-12-38	Date on which the husband of the applicant died and hence pension was being paid to the applicant including D.A. relief thereon.
23-11-39	Date on which the applicant was appointed as Group 'D' on com- pensation grounds.
January, 42	Month from which the excess paid amount as Business Relief has been recovered from the pension of the applicant as the pensioner is em- ployed.

SIGNATURE OF THE COUNSEL

HONORABLE J.

DATE: 11-1-35

IN THE COURT OF CENTRAL ADMINISTRATIVE TRIBUNAL: ANDHRA PRADESH
HYDERABAD.

O.A.NO. of 95.

Between:

R. Rajulamma

....Applicant.

A N D

The Accounts Officer(T.A.), Office
of Chief General Manager, Telecom,
A.P., Hyderabad and 2 others.

.....Respondents.

DATE OF EVENTS

Date	Description of Event
01-01-87	Date on which the husband of the applicant retired on Medical Invalidation grounds from service.
22-12-88	Date on which the husband of the applicant died and hence pension was being paid to the applicant including D.A. relief thereon.
23-11-89	Date on which the applicant was appointed as Group 'D' on compassionate grounds.
January'92	Month from which the excess paid amount as Dearness Relief has been recovered from the pension of the applicant as the pensioner is employed.

HYDERABAD

SIGNATURE OF THE COUNSEL

DATE: 14-6-95.

IN THE COURT OF CENTRAL ADMINISTRATIVE TRIBUNAL: ANDHRA PRADESH,
HYDERABAD.

O.A.NO.

of 95.

Between:

R. Rajulamma, W/o. Late. R. Venkaiah,
working as Group 'D' in the office
of the Sub-Divisional Officer, Telecom,
Anakapalli, Visakhapatnam District,
Andhra Pradesh.

.....Applicant.

A N D

1) The Accounts Officer(T.A.), Office
of Chief General Manager, Telecom,
A.P., Hyderabad.

2) The Director General of Telecom,
Ashoka Road, New Delhi - 20.

3) The Postmaster, Anakapalli Head Post
Office. *Anakapalli. viz. D.*

.....Respondents.

The address for service of all notices is that of his
Counsel:

Mr. Krishna Devan, & Smt. G. Rajani Kumari (Advocates),
Door. No. 2-2-1105/11, Tilaknagar, New Nallakunta,
Hyderabad - 500 044. Phone. No. 552904.

DETAILS OF APPLICATION

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

The application is preferred against the discontinuation
of the payment of 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 Sweeper (Group 'D') 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 the
Administrative Tribunal Act, 1985 as the application is filed against
the denial of payment of Dearness Relief from November, 1989.

(Contd....2)

4. BRIEF FACTS OF THE CASE:

a.) The husband of the applicant while working as Selection Grade Telegraph Man in Anakapalli Telegraph Department was retired from service on Invalidation (Medical) grounds from 1-1-87 and hence Invalid Pension was sanctioned to the husband of the applicant. Later on 22-12-88, the husband of the applicant passed away and therefore family pension was sanctioned in favour of the applicant herein from 22-12-88 vide Revised Pension Payment Order No.949/TCAP, dt.11-9-87 issued by the first respondent herein. From 23-12-88, the respondents have been paying pension along with Dearness Relief.

b) On 23-11-89, the applicant was appointed as Group 'D' in the Office of Sub-Divisional Officer, Telecom, Anakapalli, vide Memo.No. E.50/88-89/81, dt.27-11-89 of Sub-Divisional Officer, Telecom, Anakapalli. As usual, the respondents have been paying Dearness Relief on pension to the applicant. But from January '92 onwards, whatever amount has been paid as Dearness Relief on Family Pension from the date of appointment of the applicant has been recovered from the applicant on the ground that Dearness Relief on Family Pension was not admissible to the applicant as the applicant secured employment and therefore getting Dearness Relief on the salary as Group 'D'. Upon overall enquiry, it was informed that Rs.375/- P.M. has been paid to the applicant as Family Pension and the Dearness Relief was thus not paid from November 1989 onwards.

c) The decision of the respondents in discontinuing the payment of Dearness Relief on family pension has been impugned in a batch of cases before various benches of the Tribunal. The grievance of the applicant is also similar to the cases which were already admitted and the Hon'ble Tribunals at Madras, New Delhi, Ernakulam held that "Family pensioners through working in the Central or State Government Undertakings are entitled for the payment of Dearness Relief and the Family pension". The grievance of the applicant is also similar to the batch of cases and hence the applicant is also ~~similar to the~~ constraint to approach the Hon'ble Tribunal seeking the extension of the benefits of

the judgements of the Hon'ble Tribunal Benches. Therefore, the application may be allowed at the admission stage with usual directions.

5. GROUND FOR RELIEF:

The O.A. is covered by the judgements of the Hon'ble C.A.T., Hyderabad Bench in O.A.No.1116 of 1995 and also in O.A.No.303 of 1994 and hence the benefit given therein may be extended to this O.A. and disposed off with usual directions.

6. DETAILS OF EXHAUSTED REMEDIES:

The decision of the respondents to discontinue the payment of Dearness Relief to the applicant is already impugned and the O.A.s are also allowed by the Tribunal's Benches also in a batch of cases. The case of the applicant is also common and the relief prayed for is covered by those decisions and hence the applicant having found no effective alternate remedy has approached the Hon'ble Tribunal seeking the extension of the judgements of the Hon'ble Tribunal.

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

The applicant further 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 any of them.

8. RELIEF SOUGHT FOR: MAIN RELIEF:

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

- a) declare that the applicant is entitled to the payment of Dearness Relief at the rates in force on family pension from June 1994 onwards.
- b) direct the first respondent to pay arrears of Dearness Relief on family pension from June 1994 onwards (one year prior to the filing of the O.A.) within one month from the date of receipt of the orders.

- c) and to pass such further or other orders as this Hon'ble Tribunal may deem fit and proper.

9. INTERIM RELIEF:

It is, therefore, prayed that this Hon'ble Tribunal may be pleased to expedite the hearing of the main O.A.

10. PARTICULARS OF POSTAL ORDER:

1. Name of the Post Office :
2. Amount of Postal Order :
3. Date and No :

807 993687
28.6.95 (h. 50)
Baskettuna P.O. Htd. 27.

11. LIST OF ENCLOSURES:

- i) Vakalatnama ii) Postal Order for Rs. 50/-
iii) Material Papers iv) Covers, Pads & Acknowledgements

W.O./B.C./D.D./Removes

V E R I F I C A T I O N

I, the above named applicant, do hereby verify that the contents of paras 1 to 5 are true to my personal knowledge and paras 6 to 11 are believed to be true on legal advise of my Counsel and that I have not suppressed any material facts.

Hence, verified this 4th day of June 1995 at Hyderabad,
A.P.

SIGNATURE OF THE COUNSEL

Date: 14/6/95

SIGNATURE OF THE APPLICANT