

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No.238/94

Date of Order: 25.2.94

BETWEEN :

1. Mrs. G.Sarada Bai
2. Mrs. M.Pramila
3. Mrs. CH.Venkata Gurvamma
4. Mrs. B.Jayamma
5. K.Vijaya Kumari
6. Mrs. D.Kanaka Durga

.. Applicants.

A N D

1. The Telecom District Engineer,
Nalgonda.
2. The Chief General Manager,
Telecommunication,Doorsanchar
Bhavan, Hyderabad.
3. The Director General,
Telecommunication,
Sanchar Bhavan,
New Delhi.
4. Union of India, rep. by its
Secretary, Ministry of Finance,
New Delhi.

.. Respondents.

Counsel for the Applicants

.. Mr.K.Ventakeswara Rao

Counsel for the Respondents

.. Mr.K.Bhaskara Rao

CORAM:

HON'BLE SHRI V.NEELADRI RAO : VICE-CHAIRMAN

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

Date: 25-2-1994

JUDGMENT

As per Hon'ble Sri R.Rangarajan, Member(Administrative)

Heard Sri K.Venkateshwara Rao, learned counsel for the applicants and Sri K.Bhaskara Rao, Addl. CGSC for respondents.

2. The 1st applicant is the widow of Sri Ramoji Rao, who worked as Sub Inspector in Telecommunications and expired on 23.4.1984 while in service. She was appointed in Group 'D' post in the scale of Rs.196-232 with effect from 11.8.1986. The second applicant is the widow of Sri Venkatesham who worked as Lineman in Telecommunications and expired on 11.11.1976 while in service. She was appointed in Group 'D' cadre in the scale of Rs.196-232 by the respondents from 25.1.1980. The third applicant is the widow of Sri Edukondalu, who worked as Lineman and expired on 16.11.1984 while in service. She was given Group 'D' post on compassionate grounds on 12.5.1986. The 4th applicant is the widow of Sri Muthyala Rao who expired on 17.5.1990 while working as Group 'D'. She was given compassionate ground of appointment in Group 'D' on 17.5.90. The 5th applicant is the widow of Sri Isaiah who was working as Group 'D' in Telecommunications department expired on 9.4.1991 while in service. She was given appointment as Group 'D' on compassionate grounds with effect from 13.10.1992. The 6th and last applicant is the widow of Sri Brahmaiah, who worked as Sub-Inspector in Telecommunications and died while in service on 3.9.1991. She was also given compassionate ground of appointment as Group 'D' with effect from 12.7.1993.

(33)

3. ~~After~~ the death of their husbands, the applicants were sanctioned family pension from the date of the death of their husbands. The said pension was revised to ^{is} Rs.375-00 p.m. from 1.1.1986 which ^{is} the minimum pension.

4. As stated above, all the applicants were appointed in Group 'D' service ^{as indicated} as indicated above. The applicants submit that they were not paid Dearness Relief on family pension from the date of their appointment in Group 'D' posts, on compassionate grounds.

5. This O.A. has been filed for ~~a~~ a direction to the respondents to pay the dearness relief on the family pension from the dates they were appointed based on the orders in O.A.No.282/90 dt. 25.11.1991 of Ernakulam Bench, in O.A.No.801/91 dt. 31.1.1992, O.A.Nos.1132, 1133 and 1134/92 dt. 25.1.1993 on the file of Madras Bench and in O.A.No.1116/93 dt. 13.9.1993 on the file of this Bench. In all those cases the relief was given for payment of Dearness Relief on family pension even if they ~~are~~ appointed on compassionate grounds as there are no statutory rules prohibiting the payment of dearness relief on family pension on appointment in Govt. service on compassionate grounds. No such rule was also brought to our notice during the course of hearing. Hence, we find no reason to differ from the orders of the Ernakulam and Madras Benches and the earlier order of this Bench. We fully agree with the reasonings.

6. As per the practice followed by this Bench, monetary relief ^{from} in such cases will be limited to one year prior to the date of filing of the O.A. if they had joined service earlier to that date. In the case of first five applicants,

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they were appointed earlier to 21.2.1993 and hence they are entitled for arrears of dearness relief on family pension from one year prior to filing of this O.A. i.e. 21.2.1993 (this O.A. was filed on 21.2.1994) till they are regularly paid D.A. on family pension. In the case of last applicant, she joined service from 12.7.1993 i.e. after 21.2.1993. Hence, she is entitled for arrears of D.A. on family pension only from 12.7.1993 till she is regularly paid the D.A. on family pension. The arrears of family pension accruing to the applicants from the dates specified above ~~has~~ ^{now} to be computed and paid to them within 4 months from the date of receipt of this judgment.

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

Me

(R. Rangarajan)
Member(Admn.)

Neeladri
(V. Neeladri Rao)
Vice-Chairman

Dated 26 Feb., 1994.

Mr Rao
Deputy Registrar(J)C.C.

Grh.

To

1. The Telecom District Engineer, Nalgonda.
2. The Chief General Manager, Telecommunication, Doosanchar Bhavan, Hyderabad.
3. The Director General, Telecommunication, Sanchar Bhavan, New Delhi.
4. The Secretary, Union of India, Ministry of Finance, New Delhi.
5. One copy to Mr. K. Venkateswar Rao, Advocate, CAT. Hyd.
6. One copy to Mr. K. Bhaskar Rao, Addl. CGSC. CAT. Hyd.
7. One copy to Library, CAT. Hyd.
8. One spare copy.

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TYPED BY

COMPARED BY

CHECKED BY

APPROVED BY

IN THE CENTRAL 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. R. RANGARAJAN : MEMBER
(ADMN)

Dated: 25-2-1994.

ORDER/JUDGMENT:

M.A./R.A/C.A. NO.

in

O.A.No.

238/94

T.A.No.

(W.P. No.)

Admitted and Interim Directions
issued.

Allowed.

Disposed of with directions.

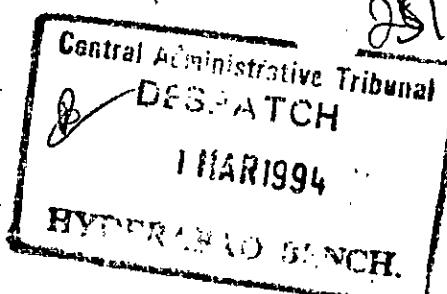
Dismissed.

Dismissed as withdrawn.

Dismissed for Default.

Rejected/Ordered.

No order as to costs.



(2)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT :: HYDERABAD BENCH
AT :: HYDERABAD
Ref. No. 40
CONTEMPT CASE NO. 238 OF 1995

in
O.A.NO. 238 OF 1995

Between:-

1. Mrs.G.Sarda Bai, W/o.Ramoji Rao, aged about 51 years, Working as group D in the O/o.Telcom District Engineer Nalgonda.
2. Mrs.M.Premila W/o.Venkatesham, aged about 54 years, Working as group D in the O/o.R.R.Nalgonda Telecom District Engineer, Nalgonda.
3. Mrs.Ch.Venkata Gurvamma, W/o.Edukondalu, aged about 34 years, Working as group D in the O/o.Telcom District Engineer, Nalgonda.
4. Mrs.Jayamma, W/o.Mutnyala Rao, aged about 36 years, Working as group D in the O/o.Telcom District Engineer, Nalgonda.
5. K.VijayaKumari, W/o.Isaiah, aged about 32 years, Working as group D in the O/o.Telcom District Engineer, Nalgonda.
6. Mrs.D.Kanaka Durga, W/o.Late Shri D.Brahmaiah, aged about 35 years, Working as group D in Suryapet Exchange, Telecom District Engineer, Nalgonda.

... APPLICANTS

A N D

N.V.

1. Shri.K.Bhaskara Rao, the Chief General Manager, (M.V.Bhaskar C.R.N)
Telecom A.P.Circle, Hyderabad.
2. Shri. D.S.Narendra, the Telecom District Engineer Nalgonda.

PETITION FILED UNDER SECTION 17 OF THE CENTRAL ADMINISTRATIVE TRIBUNAL ACT, 1985.

For the reasons stated in the accompanying affidavit, the petitioners herein pray that this Hon'ble Tribunal may be pleased to take cognisance of the Contempt Case filed against the respondents (in which membership of Telcom A.P.Circle is 238) and punish them according to law and pass such other relief or reliefs as this Hon'ble Tribunal may deem fit and proper in the circumstances of the case.

Hyderabad;

Dated a-

(V. Venkateshwaran
Counsel for the Petitioner.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT HYDERABAD

Contentt ~~Paste~~ No. 40 of 1995

in

O.A.NO. 238 OF 1994

Between:-

1. Mrs. G. Sarada Bai
2. Mrs. ~~M. Perimila~~ M. PRAMILA¹⁹
3. Mrs. Venkata Gurvamma
4. Mrs. Jayamma (B. Jayamma)
5. K. Vijaya Kumari
6. D. Kanika Durga²⁰

A N D

1. Shri. K. Bhaskara Rao, the Chief General Manager, Telecom A.P.Circle, Hyderabad.

2. Shri. D. S. Narendar, The Telecom District Engineer Nalgonda.

(M.V. Bhaskar
Rao
C.G.M.)

AFFIDIVAT FILED BY THE PETITIONERS

I, Mrs. G. Sarada Bai widow of Ramoji Rao aged about 51 years Working as group D in the Department of Telecom hereby solemnly affirm and state as follows:-

- (1) I am the first petitioner herein and as such I am well acquainted with the facts of the case.
- (2) I am filing this affidivat on my behalf and on behalf of other~~s~~ petitioners who authorised ~~me~~ me to file this.
- (3) I submit that ~~me~~ filed the above O.A. for a direction to the respondents to pay the Dearness relief on the family pension ~~from~~ from the respective dates on which ~~they~~ they were appointed on compassionate grounds.
- (4) I submit that the above O.A. was disposed of on 25.2.94 with a direction to the respondents to pay dearness relief on family pension from 21.2.93 in the case of the first five applicants and from 12.7.93 in the case of the sixth applicant.
- (5) I submit that the orders of the above O.A. were not complied with though about 16 months were ~~passing~~ passing. I submit that impugned action of the respondents is nothing but willful and deliberate ~~disobedience~~ disobedience of the Hon'ble Tribunal~~xx~~ order dated 25.2.94. I submit that the respondents have flouted the orders of the Hon'ble Tribunal and this should ~~note~~ note

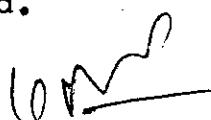
not be ~~permitted~~ permitted and ~~not~~ not be permitted in the democratic society ordained by rule of law. I submit that ~~the~~ the respondents are liable to ~~not~~ be punished for the deliberately and willfully disobeying the orders of this Hon'ble Tribunal in O.A. No. 238/94.

I, therefore pray that this Hon'ble Tribunal may be pleased to admit the contempt case against the respondents and punish them for deliberately and willfully flouting the orders of the Hon'ble Tribunal date 25.2.94 and pass such other order or orders as this Hon'ble Tribunal may deem fit and proper in the circumstances of the case.

T. Sharada Bai
Deponent

Solemnly and sincerely
affirm and signed before
this 18th day of June 1995
at Hyderabad.

Advocate.



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No.238/94

Date of Order: 25.2.94

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.. Respondents.

Counsel for the Applicants

.. Mr.K.Ventakeswara Rao

Counsel for the Respondents

.. Mr.K.Bnaskara Rao

CORAM:

HON'BLE SHRI V.NEELADRI RAO : VICE-CHAIRMAN

HON'BLE SHRI K.RANGARAJAN : MEMBER (ADMN.)

V.Rao

Date: 25-2-1994

6.

JUDGMENT

I as per Hon'ble Sri R.Rangarajan, Member(Administrative) I

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

CERTIFIED TO BE TRUE COPY

.....

Court Officer

Central Administrative Tribunal--

Hyderabad Bench

Hyderabad.

25/2/94.

To

1. The Telecom District Engineer, Nalgonda.
2. The Chief General Manager, Telecommunication, Doorsanchar Bhavan, Hyderabad.
3. The Director General, Telecommunication, Sanchar Bhavan, New Delhi.
4. The Secretary, Union of India, Ministry of Finance, New Delhi.
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7. One copy to Library, CAT.Hyd.
8. One spare copy.

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Case Number 07-238/94

Date of Judgment 25/2/94

Copy made ready on 25/2/94

Section Officer (1)

14/2/94