

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH: HYDERABAD**

Original Application No.21/135/2018

Date of Order: 18.06.2019

Between:

1. S. Srinivasa Rao, S/o. Sri S. Soma Raju,
Retired Chief Ticket Inspector,
S.C. Rlys, Secunderabad Division,
H. No. 6-6-439/2, Behind CGO Towers,
Gandhi Nagar, Secunderabad – 500 080, TS.
2. M. Prem Kumar, S/o. Sri M. Paul,
Retired Chief Ticket Inspector,
S.C. Rlys, Secunderabad Division,
H. No. 23-78/11/2, R.K. Nagar,
Malkajgiri, Hyderabad – 500 047, TS.
3. K. Srinivas, S/o. Sri K. Brahmaiah,
Retired Travelling Ticket Inspector,
S.C. Rly, Secunderabad Division,
H. No. 12-10-416/413, Warasiguda,
Secunderabad – 500 361, TS.
4. D. Yadagiri, S/o. Sri Narsaiah,
Retired KT Driver, S.C. Rlys, SC Division,
H. No. 104, Neha Towers, Gautam Nagar,
Malkajgiri, Hyderabad – 500 047, TS.
5. Kapa Arun Kumar, S/o. Sri K.K. Nagaiah,
Retired Chief Booking Supervisor,
S.C. Rly., Secunderabad Division,
H. No. 18/333/1, Mallikarjuna Nagar,
Malkajgiri, Hyderabad – 500 047, TS.
6. Lakshminarayana Rao, S/o. Sri K. Sanyasi Rao,
Retired Chief Booking Supervisor,
SC Rlys, Secunderabad Division,
H. No. 4-9-77/S-14, HMT Nagar, Nacharam,
Hyderabad – 500 056, TS.
7. B.V. Hari Gopal, S/o. Sri B.V. Ramana Rao,
Retired Enquiry cum Reservation Supervisor,
SC Rlys, Secunderabad Division,
H. No. 1-10-346/347, Lane No. 9,
Brahmanawada, Begumpet,
Hyderabad – 500 016, TS.

8. D. Nanda Kumar, S/o. Sri S. Dayanandam,
Retired Enquiry cum Reservation Supervisor,
SC Rly, Secunderabad Division,
H. No. 4-4-824, Kandaswamy Bagh,
Sultan Bazar, Koti, Hyderabad – 500 095, TS.
9. B. Chandraiah, S/o. Sri Kodandu,
Retired Technician, S.C. Rlys, Secunderabad Division,
H. No. 25-1-12, Somidi, Kazipet -506 001, TS.
10. E. Devender Rao, S/o. Sri Komaraiah,
Retired Technician, S.C. Rly., Secunderabad Division,
H. No. 25-5-116, Vishnupuri,
Near Mahankali Temple, Kazipet – 506 003, TS.
11. G. Sailoo, S/o. Sri Baligadu,
Retired Technician, S.C. Rly., Secunderabad Division,
H. No. SF-5, Chandrababu Nagar,
Lalapet, Secunderabad – 500 017, TS.
12. P. Kistaiah, S/o. Sri Venkataiah,
Retired Technician, S.C. Rly., Secunderabad Division,
H. No. 25-5-72, Vishupuri, Santhi Nagar,
Kazipet – 506003, TS.
13. Sk. Rukmuddin, S/o. Sri Abdul Khader,
Retired Technician, S.C. Rly., Secunderabad Division,
H. No. 1-2-96, Rahemath Nagar,
Kazipet – 506 003, TS.
14. M. Bikshapathi, S/o. Sri Mysaiah,
Retired Technician, S.C. Rly., Secunderabad Division,
H. No. 12-1-1521, Shanthi Nagar,
North Lalaguda, Secunderaad – 500 017, TS.
15. Mula Ramakka, W/o. Sri Odelu Mullaiah,
Retired Technician, S.C. Rly., Secunderabad Division,
H. No. 1-83/8 A/1, Near Ambedkar Statue,
Madikonda – 5006003, TS.

... Applicants

And

1. Union of India, Represented by its
General Manager, South Central Railway,
Rail Nilayam, Secunderabad.
2. The Sr. Divisional Personnel Officer,
South Central Railway,
Secunderabad Division,
Sanchalan Bhavan, Secunderabad.

... Respondents

Counsel for the Applicants ... Mr. S. Srinivas Rao

Counsel for the Respondents ... Sri Subba Rayudu, Advocate for
Smt. Vijaya Sagi, SC for Rlys

CORAM:

Hon'ble Mr. B.V. Sudhakar, Member (Admn.)

ORAL ORDER

{As per Hon'ble Mr. B.V. Sudhakar, Member (Admn.) }

2. OA is filed challenging the decision of the respondents in not granting DA to the applicants, who have retired on Dec 31st and 30th June.

3. Applicants have retired from the respondents organisation in different cadres on 31st December and 30th June. Applicants claim that enhanced DA has to be drawn on the next day of retirement i.e. 1st January or 1st of July, as the case may be, and thereafter, their pension has to be calculated. Many judgments were delivered by the this Tribunal based on the decision of the Full Bench of the Hon'ble High Court of A.P, directing to draw enhanced DA as sought by the applicants in the present OA . Representations were made but only in respect of the representation made by one of the applicant, respondents processed and rejected the request. Representations made by others remain unattended. Aggrieved, the present OA has been filed.

4. Contentions of the applicants are that as per the Full Bench of the Hon'ble High Court of Andhra Pradesh in WP No.22042 of 2003, they

are entitled for the enhanced DA. This Tribunal in OA 552/2003 has granted similar relief.

5. Respondents claim that DA is drawn for serving employees on 1st January and 1st July. Employees, who retire on 31st December and 30th June, are ineligible for the enhanced DA since, as retirees, they are entitled only for Dearness Relief. Pension is calculated based on the DA prevailing on the date of retirement. In respect of one of the applicant who has filed OA 853/2017 as per the orders of the Tribunal, his representation was processed and disposed of by rejecting his request for calculation of enhanced DA on 7.12.2017. Rest of the applicants have not made any representations. The applicants retired between the years 2007 to 2013 and the OA attracts provisions of limitation. No petition has been filed to condone the delay.

6. Heard both the counsel and perused the material papers placed on record.

7. Applicants have made representations which are not dated. This gives strength to the assertion made by the respondents that the representations were not received by them. Two of the representations were sent by speed post on 8& 9/11/2017 as per speed post receipt annexed. The two representations sent by speed post indicate that the representation were made in Nov 2017, long after they have retired in 2012 and 2013. They have not filed any MA for condonation of delay.

Similar is the case in respect of the remaining applicants as well. It is true that, the Full Bench of the Hon'ble High Court, in WP No. 22042 of 2003 & batch, has ordered grant of DA to the employees retiring on 31st December and 30th June. However, the learned counsel for the respondents has submitted that the Hon'ble Supreme Court is seized of the matter in SLP (C) No 005646-005647/2018, filed against the orders passed by the Hon'ble High Court in WP No. 35126 & 35139 of 2017 dt.24.10.2017 following its earlier order in WP Nos.22042/2003 & batch and that it would be listed for hearing any time. Hence, in view of the latest development, respondents are directed to dispose of the representations of the applicants based on the outcome of the SLPs referred to.

8. With the above direction, the OA is disposed of, with no order as to costs.

(B.V. SUDHAKAR)
MEMBER (ADMN.)

Dated, the 18th day of June, 2019

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