

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

Original Application No.20/102/2019

Date of Order: 19.08.2019

Between:

C.V. Ramana,
S/o. late C. Venkata Ramappa, aged 60 years,
Occ: Retired Mail Overseer,
Anantapur Sub Division,
Anantapur Division, AP. Applicant

And

1. Union of India,
Rep. by the Secretary to the Govt. of India,
Ministry of Communications and IT,
Department of Posts, New Delhi – 110 001.
2. The Chief Postmaster General,
AP Circle, Vijayawada – 10.
3. Post Master General,
Kurnool Region, Kurnool – 518 002.
4. The Director Postal Accounts,
AP TG Circles, Hyderabad – 500 001.
5. The Superintendent,
Anantapur Division,
Anantapur – 515 001.

.... Respondents

Counsel for the Applicant Mr. B. Gurudas

Counsel for the Respondents Mr.G. Rajesham,
Addl. CGSC

CORAM:

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

ORDER
{As per B.V. Sudhakar, Member (Admn.) }

2. The OA is filed challenging the action of the respondents in granting Pension, DCRG and leave encashment without taking 10% DA allowed from 1.7.2013.
3. Applicant on retiring from service from 30.6.2013, respondents have granted pension, DCRG and leave encashment without taking into account 10% DA granted w.e.f 1.7.2013. Applicant has represented on 1.11.2018 which was not considered so far. In similar cases, this Tribunal has directed the respondents to grant enhanced DA on retirement benefits in OA No 252/2015 citing the judgment of the Full Bench of the Hon'ble A.P High Court in **Principal Accountant General, A.P v C. Subba Rao.** Hence, this OA.
4. The contentions of the applicant are that since he retired on the mid night of 30.6.2013 and became a pensioner on 1.7.2013, he is eligible for 10% enhanced DA. OA 252/2015 fully covers the case of the applicant, which was challenged in WP No.19385 of 2016 but was dismissed.
5. Respondents resist the contentions of the applicant by stating that the applicant's retirement benefits have been worked out based on DA applicable as on the date of retirement i.e. 30.06.2013 @ 80% and as on 01.07.2013, he was granted Dearness Relief at enhanced rate i.e. 90%.
6. Heard the counsel for the applicant and perused the records plus the material papers.

7. Respondents in the reply statement submit that the judgment of the Hon'ble High Court of Judicature at Hyderabad for the State of Telangana and the State of A.P. in WP Nos.35126 & 35139 of 2017, dated 24.10.2017 [wherein the Full Bench Judgement of Hon'ble High Court of A.P. also considered] has been challenged in the Hon'ble Supreme Court in SLP No. 5646-5647 of 2018, wherein stay of operation of the Judgement of the Hon'ble High Court of Judicature at Hyderabad, passed in the aforesaid Writ Petitions, has been granted vide its order dated 12.03.2018.

In view of the above, the OA is disposed directing the respondents to dispose of the request of the applicant based on the outcome of the Hon'ble Supreme Court verdict. There shall be no order as to costs.

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

Dated, the 19th day of August, 2019
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