

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

**Original Application No.20/80/2019**

**with**

**Original Application No.20/82/2019**

**Original Application No.20/81/2019**

**Date of Order: 17.10.2019**

Between:

**Original Application No.20/80/2019**

C. Narsimhulu Naidu, Gr.C  
S/o Late C. Gandi Naidu, Aged 60 years  
Occ: Retired SPM  
Bathalapalle S.O.  
Hindupur Division, AP.

...      Applicant

AND

1. Union of India, rep. by  
The Secretary to the Govt of India  
M/o Communications & IT  
Dept of Post, New Delhi – 110 001.
  
2. The Chief Postmaster General  
AP Circle, Vijayawada – 10.
  
3. Post Master General  
Kurnool Region  
Kurnool – 518002.
  
4. The Director Postal Accounts  
AP TG Circles Hyderabad – 500 001.
  
5. The Superintendent  
Hindupur Division  
Hindupur.      ... Respondents

**Original Application No.20/82/2019**

D. Narsimhulu, Gr-C  
 S/o Late D. Venkata Ramappa  
 Aged 60 years  
 Occ: Retired BCR PA, SBCO  
 Dharmavaram H.O.,  
 Anantapur Division, AP.

..... Applicant

AND

1. Union of India, rep. by  
 The Secretary to the Govt of India  
 M/o Communications & IT  
 Dept of Post, New Delhi – 110 001.
2. The Chief Postmaster General  
 AP Circle, Vijayawada – 10.
3. Post Master General  
 Kurnool Region  
 Kurnool – 518002.
4. The Director Postal Accounts  
 AP TG Circles Hyderabad – 500 001.
5. The Superintendent  
 Anantapur Division  
 Anantapur – 515001. .... Respondents

**Original Application No.20/81/2019**

S. Rama Krishanaiah, Gr.C  
 S/o Late S. Venkatesulu, Aged 60 years  
 Occ: Retired SPM,  
 Bukkapatnam  
 Anantapur Division, AP.

... Applicant

AND

1. Union of India, rep. by  
The Secretary to the Govt of India  
M/o Communications & IT  
Dept of Post, New Delhi – 110 001.
2. The Chief Postmaster General  
AP Circle, Vijayawada – 10.
3. Post Master General  
Kurnool Region  
Kurnool – 518002.
4. The Director Postal Accounts  
AP TG Circles Hyderabad – 500 001.
5. The Superintendent  
Anantapur Division  
Anantapur – 515001. ... Respondents

Counsel for the Applicant ... Mr. B. Gurudas in all the OAs  
Counsel for the Respondents ... Mr. M. Mohan Rao, Addl. CGSC in OA 82/2019,  
Mr. B. Rajeshwar Rao, Addl. CGSC in OA 81/2019 and Mrs. B. Gayatri Varma, Sr.  
PC for CG in OA 80/2019.

**CORAM:**

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

**ORAL ORDER (Common)**

2. Cause of action and the relief sought for in the aforesaid OAs being one and the same, they are being disposed of by a common order, after hearing the arguments of both sides and perusing the pleadings on record.
3. The OA 80/2019, OA 82/2019 and OA 81/2019 have been filed challenging the decision of the respondents in sanctioning retirement benefits of the applicant(s) without taking into account the enhanced

Dearness Allowance of 6% and 2%, which were allowed w.e.f. 1.07.2015 and 1.7.2016, respectively.

4. Brief facts of the case are that the applicant(s) in OA 80/2019 and OA 82/2019 retired from the respondents organization on 30.06.2015 and those in OA 81/2019 on 30.06.2016. Retirement benefits were disbursed to the applicant(s) without taking into account the 6% Dearness Allowance (in short, DA) granted w.e.f. 01.07.2015 and 2% DA w.e.f. 01.07.2016 respectively. Applicant(s) represented on 01.11.2018 with a request to consider enhanced DAs in working out the retirement benefits. The same has not been responded to till date. Hence, the OA(s).

5. Contentions of the applicant(s) are that they have retired on 30.06.2015 and 30.06.2016 respectively, and would cease to be a Govt. servant on the midnight of the date of retirement. Applicant(s) are eligible for higher DA by virtue of rendering service for 6 months preceding the retirement date from 01.01.2015 to 30.06.2015 and 01.01.2016 to 30.06.2016 respectively. Based on the enhanced DA, retirement benefits are to be calculated. By not allowing enhanced DA, the decision of the respondents is illegal and irregular. Applicant(s) cited that this Tribunal in OA 252/2015 dated 18.11.2015 has allowed similar relief based on the Full Bench Judgement of the Hon'ble High Court of

Andhra Pradesh and Telangana State in **Principal Accountant General, AP v. C. Subba Rao** (Writ Petition No.22042/2003).

6. Respondents in their reply statement have opposed the contention of the applicant(s) by stating that as per Department of Pension and Pensioners Welfare, OM dated 02.09.2008, the relevant para(s) of which are extracted hereunder, applicants are not eligible for enhanced DA:

“4.1 The term ‘Emoluments’ for purposes of calculating various Pensionary benefits other than various kinds of Gratuity shall have the same meaning as in Rule 33 of the Central Civil Services (Pension) Rules, 1972.

4.2. xxxxxxxxxxxxxxxxxxxxxxxx

4.3 In the case of all kinds of Gratuity, DA admissible on the date of retirement shall continue to be treated as emoluments along with the emoluments as defined in paragraph 4.1 above.”

Having retired from service, the applicant(s) are entitled for DR, which has been allowed and permitted under the rules. Accordingly, applicants have been granted Dearness Relief due to them. The respondents have stated that they have filed Writ Petition Nos.35139/2017 and 35126 of 2017 in the Hon’ble High Court of Andhra Pradesh and Telangana State against the impugned orders dated 11.03.2016 of this Tribunal in OA No.189/2016 and 190/2016 respectively. In the said OA, the relief sought in the present OA, was granted. However, the Hon’ble High Court vide Order dated 24.10.2017 dismissed both the Writ Petitions keeping in view the Full Bench Judgement of the Hon’ble High Court of

AP and Telangana in Writ Petition Nos.22042, 24191, 24308 and 24324 of 2003. The matter was thereafter carried to Hon'ble Supreme Court in SLP No.5646 of 2018 and 5647 of 2018 respectively, against the orders of the Hon'ble High Court. The Hon'ble Supreme Court stayed the orders of the Hon'ble High Court in WP Nos.35126 of 2017 and 35139 of 2017 (dated 24.10.2017), vide its order dated 12.03.2018.

7. In view of the above developments, the respondents are directed to consider and grant relief sought in the instant OAs based on the judgement of the Hon'ble Supreme Court in the cited SLPs, as and when it is delivered/decided finally.

With the above directions, all the above three OAs are disposed of with no order as to costs.

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

Dated, the 17<sup>th</sup> day of October, 2019

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