

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

Original Application No.21/1109/2018

Date of Order: 01.07.2019

Between:

D. Kishan Rao, Gr. C
S/o Late D. Laxman Rao, Aged 60 years
Occ: Retired Postal Assistant
Postal Stores Depot
Hyderabad – 500 025. TS ... 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 Secretary to Govt. of India
Ministry of Personnel PG & Pensions
Dept of Pension & Pensioner's Welfare
New Delhi – 110 003.
3. The Chief Postmaster General
Telengana Circle, Hyderabad – 500 001.
4. The Director Postal Accounts
AP TG Circles, Hyderabad – 500 001.
5. The Superintendent
Postal Stores Depot
Hyderabad – 500 025. ... Respondents

Counsel for the Applicant ... Mr.B. Gurudas.

Counsel for the Respondents ... Mr. A. Nageswara Rao, Addl. CGSC

CORAM:

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

ORAL ORDER

2. The OA is filed challenging the action of the respondents in granting Pension, DCRG and leave encashment without taking 2% DA allowed from 1.7.2018.

3. Applicant on retiring from service on 30.6.2018, respondents have granted pension, DCRG and leave encashment without taking into account 2% DA granted w.e.f 1.7.2018. Applicant has represented on 19.9.2018 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 retires on the mid night of 30.6.2018 and becomes a pensioner on 1.7.2018, he is eligible for 2% enhanced DA as per Ministry of Finance instructions contained in OM dated 18.9.2018. 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 DR of 2% allowed from 1.7.2018 on the basic pension of Rs.30,200/- granted to him. The representation of the applicant has been duly replied.

6. Heard the counsel for the applicant and perused the records plus the material papers.

7. In a similar issue pertaining to drawal of enhanced DA on last pay drawn for fixing pension and pensionary benefits in OA 135/2018, filed before this Tribunal, it was informed that the Hon'ble High Court of A.P Judgment 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 and stay of operation of the Judgement of the Hon'ble High Court

of A.P., passed in the aforesaid Writ Petitions, vide its order dated 12.03.2018. In view of this development, 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.

With the above directions the OA is disposed of with no order as to costs.

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

Dated, the 1st day of July, 2019

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