

HIGH COURT FOR THE STATE OF TELANGANA
THE HON'BLE THE CHIEF JUSTICE SRI RAGHVENDRA SINGH CHAUHAN
AND
THE HON'BLE DR. JUSTICE SHAMEEM AKTHER
WRIT PETITION No.27190 of 2016
19.07.2019

Between:

Director of Accounts (Postal) and others

...Petitioners

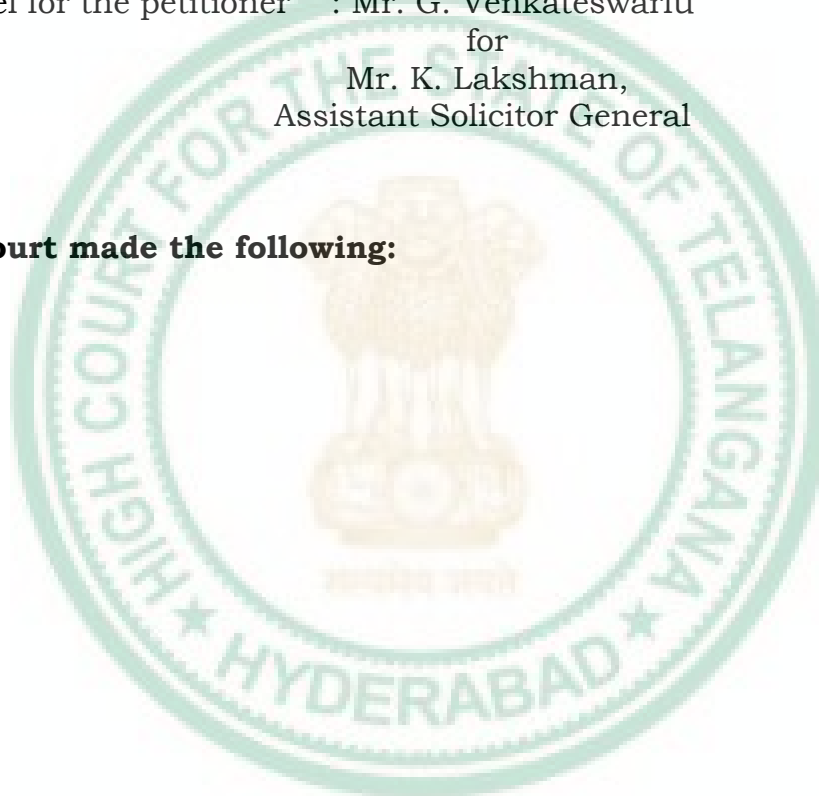
and

Sri A. Krishna Murthy and another

...Respondents

Counsel for the petitioner : Mr. G. Venkateswarlu
for
Mr. K. Lakshman,
Assistant Solicitor General

The Court made the following:



ORDER: (Per the Hon'ble the Chief Justice Sri Raghvendra Singh Chauhan)

The petitioners are aggrieved by the order dated 01.03.2016, passed by the Central Administrative Tribunal, Hyderabad Bench, in O.A.No.1683 of 2015, whereby the learned Tribunal has directed the petitioner-respondents to pay Rs.79,855/-, as claimed by the respondent-applicant, within a period of ninety days from the date of receipt of a copy of the order.

Briefly, the facts of the case are that the respondent-applicant ("the applicant", for short) had worked as a Junior Accounts Officer in the Postal Accounts Department for twenty-three years. On 10.06.1982, he was absorbed in the Bharat Heavy Electrical Limited ("the BHEL" for short), a Public Sector Undertaking (PSU), with pro-rata pensionary benefits for the service rendered in the Postal Department. Subsequently, on 24.07.1992, he retired from BHEL. The applicant claimed that in accordance with a judgment of the Hon'ble Supreme Court, one-third of his commuted pension was restored with effect from 03.12.1998. He further claimed that he was not drawing any pension in between 25.07.1992, the date after retirement from the PSU, and 03.12.1998, the date on which his one-third commuted pension was restored. Moreover, according to the applicant, in W.P.No.21824 of 2010, the Hon'ble High Court of Andhra Pradesh, by its judgment dated 21.07.2011, had expressed its opinion that such absorbees are eligible to receive the benefit of IR-I & II, dearness relief etc, and the benefits of revision, for the period in between the date of retirement from the PSU and the date of restoration of one-third of commuted pension. Since the applicant was similarly placed as those absorbees, he filed a representation

for receiving an amount of Rs.79,855/- as part of the dearness relief. However, the same was denied to him. Therefore, he filed the O.A, namely O.A.No.1683 of 2015, before the learned Tribunal. By order dated 01.03.2016, the said O.A was allowed in the terms mentioned hereinabove. Hence, the present petition before this Court.

Mr. G. Venkateswarlu, the learned counsel appearing on behalf of the petitioners, submits that the petitioners have already filed a review petition against the judgment pronounced on 21.07.2011 in W.P.No.21824 of 2010. Therefore, the learned Tribunal is not justified in relying on the said judgment, while granting the relief in favour of the applicant.

Heard the learned counsel for the petitioners and perused the impugned order.

A bare perusal of the impugned order clearly reveals that the learned Tribunal has not only relied upon the judgment, dated 21.07.2011, pronounced by this Court in W.P.No.21824 of 2010, but has also relied on the judgment pronounced by the Hon'ble Supreme Court in the case of **P.V. Sundara Rajan vs. Union of India and others [(2000) 4 SCC 469]**. The learned Tribunal has clearly expressed that the issue whether the dearness allowance would be payable to a person, whose pension is commuted 100%, or not was raised before the Hon'ble Supreme Court in the case of **P.V. Sundara Rajan** (supra). According to the Apex Court, a pensioner would certainly be entitled to the payment of dearness allowance. Basing its decision on the said judgment, the learned Tribunal is certainly justified in granting the benefit of the dearness allowance, quantified as Rs.79,855/-, in favour of the

applicant. Thus, the learned Tribunal has not committed any illegality or perversity by relying upon the judgment of the Apex Court in the case of **P.V. Sundara Rajan** (supra).

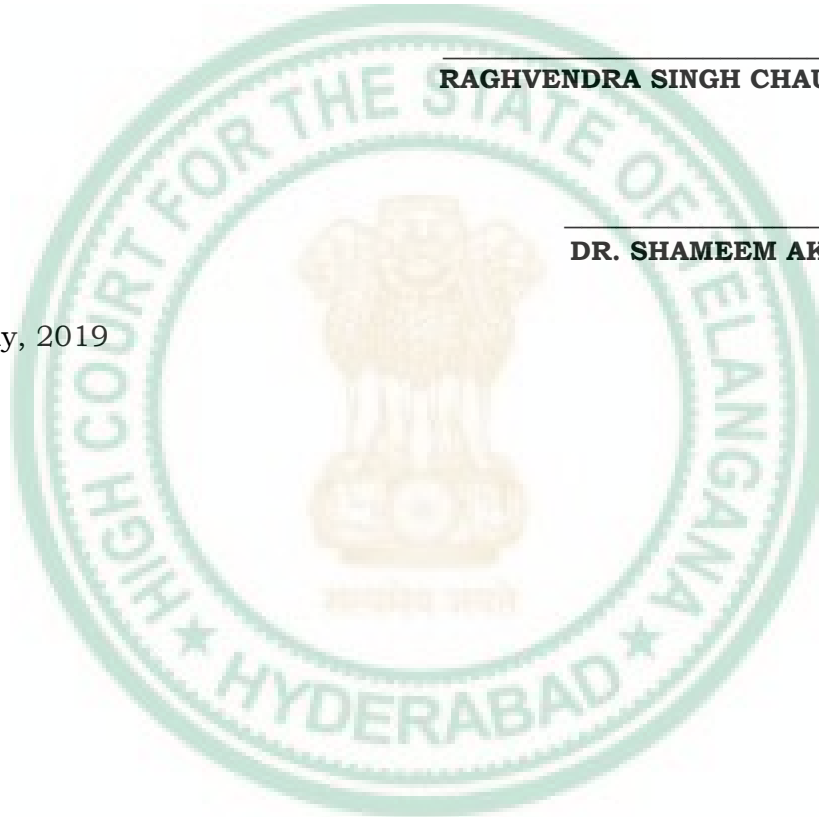
For the reasons stated above, this Court does not find any merit in the present writ petition; it is hereby dismissed. There shall be no order as to costs.

The miscellaneous petitions pending, if any, shall stand closed.

RAGHVENDRA SINGH CHAUHAN, CJ

DR. SHAMEEM AKTHER, J

19th July, 2019
JSU



High Court for the State of Telangana**THE HON'BLE THE CHIEF JUSTICE SRI RAGHVENDRA SINGH CHAUHAN****AND****THE HON'BLE DR. JUSTICE SHAMEEM AKTHER****WRIT PETITION No.27190 of 2016****(Per the Hon'ble the Chief Justice Sri Raghvendra Singh Chauhan)****Date: 19.07.2019****JSU**