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Central Administrative Tribunal
Principal Bench, New Delhi.

O.A.No.1942/94

New Delhi this the 8th Day of May, 1995.

Hon'ble Mr. B.K. Singh, Member(A)

Sh. K.R. Dogra,
S/o Sh. Babu Ram,
R/o 85, Mahavat Khan,
Near Tilak Bridge Rly. Station,
New Delhi-2. Applicant

(through Sh. B.B. Raval, advocate)

versus

1. Union of India,
through the Cabinet Secretary,
Govt. of India,
Rashtrapati Bhawan,
New Delhi-1.
2. The Secretary,
Research and Analysis Wing,
Cabinet Secretariat,
Government of India,
Room No.8-B, South Block,
New Delhi-11. Respondents

(through Sh. VSR Krishna, advocate)

ORDER(ORAL)

delivered by Hon'ble Sh. B.K. Singh, Member(A)

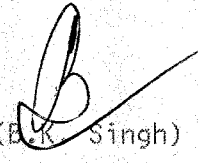
In case of Union of India & Others Vs. G. Vasudevan Pillay & Others decided on 08.12.94 (ATJ 1995(1)311, the Hon'ble Supreme Court after examining in depth decided that dearness relief will not be admissible to those who are re-employed. A re-employed Government servant would be getting the dearness relief on pay that he would be drawing on re-employment. The same would be the case in respect of family pension where dearness relief will be admissible to the widow if she is not granted employment and subsists on family pension.

However, the deduction of the enhanced liberalised pension admissible to ex-servicemen and other categories of re-employed staff is not

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permissible. It has been categorically laid down that there will be no deduction of the enhanced pension from the pay of the re-employed staff. This case is squarely covered by this judgement of the Hon'ble Supreme Court. The Government has also issued O.M. dt. 14.03.95 which is being taken on record. Therefore, the decision to reduce the pay to the extent of the enhanced pension from the pay of those ex-servicemen or any other category is disallowed and it was also held as unconstitutional by the Hon'ble Supreme Court. In the judgement it is also stated that there will be no deduction from the total emoluments of the enhanced pension admissible to the re-employed pensioners. If there has been any deduction, the same should be refunded to the re-employed pensioners. With these directions, the O.A. is disposed of but without any order as to costs.


(B.K. Singh)
Member (A)

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