

Reserved:

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH, ALLAHABAD

Dated: 17.4.95  
.....

Original Application No: 480 of 1993

Hriday Narain Misra, & Cos.  
S/O Shri Tahsildar Mishra,  
R/O Village Khuhmau, P.O. Kalichabad,  
Distt. Jaunpur.

Vijay Nath Yadav, S/O Late Shri Samarath Yadav  
R/O Village Rajepur, P.O. Barejee District,  
Jaunpur.

Swami Nath Upadhyaya,  
S/O Shri Raj Narain Upadhyay,  
R/O Village Birsamsudd Dinpur,  
P.O. Mahahad District, Jaunpur.

..... Applicants.

By Advocate Shri Pripin Bihari  
Shri D.S.Singh

Versus

1. The Union of India through the  
Ministry of Defence South Block  
New Delhi.
2. The Chief Controller of Defence  
Accounts (Pension),  
Allahabad.

..... Respondents.

By Advocate Shri C.S.Singh

\* \* \* \*

C O R A M

Hon'ble Mr. T.L.Verma, Member-J  
Hon'ble Mr. S.Dayal, Member-A

O R D E R

By Hon'ble Mr. T.L.Verma, Member-J

Contd.....2/-

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The petitioners herein are Ex-Army Personnels and have been re-employed in different civil posts. According to the office memorandum No. F,10(26) BTR/76 dated 29.12.1976 issued by Government of India, a re-employed Central Government Pensioner shall not be paid relief and adhoc relief on pension. Although this decision was taken way back in 1976 but the same was given effect to only after 1986. As a result, the petitioners who were enjoying benefit of Dearness reliefs on pension have since then, been deprived of the same. The operation of this order however, was stayed by order dated 6.4.1993.

2. This application has been filed for quashing office memorandum No. F-10(26) B TR/76 dated 29.12.1976 and for issuing a direction to the respondents to pay the Dearness reliefs to the applicants.

3. None ~~xxx~~ appeared for the applicant on 22.11.1994, 16.2.1995 and 29.3.1995. The learned counsel for the respondents brought to our notice that a similar question came up for consideration ~~xx~~ before the Supreme Court in Civil Appeal No. 3543-46/90 with other connected Civil Appeals and that the controversy raised in this application has been set at rest by the decision of the Supreme Court



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in the decision referred to above. The question formulated by the Supreme Court in the said decision ~~is:-~~ as follows.

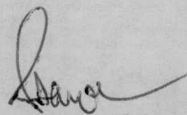
- 1) Whether the decision of the Union of India not to allow Dearness relief on pension to the Ex-Servicemen on their re-employment in a civil post is in accordance with law or not.
- 2) Whether denial of Dearness relief of family pension on an appointment of dependants like widows of the Ex-Servicemen is justified or not and
- 3) Reduction of pay equivalent to enhanced pension of those Ex-Servicemen who were holding Civil Posts on 1.1.1986 following their re-employment is permissible or not.

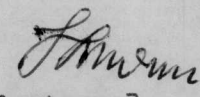
*Jh*

In answer to the first question, the Supreme Court has held that the Ex-Servicemen have been rightly debarred from Dearness relief on their pension after they got themselves re-employment to any civil post under the Government. The case of the petitioner is squarely covered by the principle laid down by the Supreme Court in answer to the question No. 1. That being so, we are satisfied that the applicants are not entitled to Dearness relief on the pension after their re-employment in the civil post as claimed by them. The reliefs claimed, therefore, cannot be allowed.

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In the result, this application  
is dismissed. There will be no order as to  
costs.

  
Member-A

  
Member-J

/jw/