

RECEIVED:

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD
ALLAHABAD

Allahabad : This the 12th Day of January 1996

Original Application No. 1833 of 1994

Hon'ble Mr T.L.Verma, J.M.

Hon'ble Mr D.S.Baweja, A.M.

1. Vijay Kumar Tiwari, son of Sri Sadhu Sharan Tiwari.
2. Ahorawa Singh S/o Late Sri Shiv Narain Singh
3. Ram Karan Singh Chauhan, Son of Sri Kanhai Singh Chauhan.
4. Sidha Nath Misra, S/o Sri Har Tirath Nath Misra
5. Kant Kumar Dwivedi, S/o Sri Hanuman Pd. Dwivedi
6. Sri Nath Singh, S/o Sri R.B.Singh

(C/A Sri V.K.Singh) Applicants

Versus

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

(C/R Sri C.S.Singh) Respondents.

ORDER (Oral)

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

Lh
The applicants in all these Original Applications are Ex-servicemen who were re-employed after retirement on various civil posts. They draw pension by virtue of their service in the Defence Services as well as the salary of

post which they are holding. They were earlier in receipt of Dearness Relief on their pension but the payment of the said relief was stopped, by a Government Order. The recovery of payments earlier made also commenced. The various orders passed by the Administrative Authorities, based on the said Government Order, are under challenge in these Original Applications.

2. The controversy in this matter has already been set at rest by the decision of the Supreme Court in the case of Union of India and others Vs. G. Vasudevan Pillay and others (1995) 29 ATC, 180. One of the points which came up for decision by the Supreme Court was whether the Government Order by which the Ex-servicemen re-employed on civil posts, were disentitled to Dearness Relief on their pension, is legal and just. The Supreme Court has interalia held that these pensioners can rightfully be treated differently from those who do not get re-employed and in the case of re-employed pensioners it would be permissible in law to deny Dearness Relief on pension, inasmuch as the salary to be paid to them on re-employment takes care of the erosion in the value of the money because of rise in price, which lay at the back of grant of Dearness Relief.
3. As the decision of the Supreme Court in the case of G. Vasudevan Pillay is squarely applicable to the present application, all these applications are dismissed as having no merit. There shall be no order as to costs.

S. B. Venkateswaran
Member-A

J. H. Venkateswaran
Member-J