

Serial No. of Order	Date of Order	Order with Signature
13	16.2.95	<p>The applicant is in receipt of family pension with effect from 28.6.1984 on the death of her husband late Laxminarayan Jagatdeo and was paid dearness relief as admissible from time to time in addition to the family pension. The applicant was given employment subsequently as Junior Auditor from 26.4.1985. Thereafter the payment of dearness relief on the family pension was discontinued on her joining the service from 26.4.1985. Hence this petition.</p> <p>At the time of hearing the learned Addl. Standing Counsel Shri Akhaya Mishra brought to my notice the decision of the Supreme Court in the case of Union of India & Others vs. G. Vasudevan Pillay and others etc. in Civil Appeal No. 3543. The Hon'ble Supreme Court has decided as under :</p> <p>" Our conclusions on the three questions noted in the opening paragraph are that denial of Dearness Relief on pension/family pension in cases of those ex-servicemen who got re-employment or whose dependents got employment is legal and just. The decision to reduce the enhanced pension from pay of those ex-service men only who were holding civil posts on 01.01.1986 following their re-employment is, however, unconstitutional."</p> <p>In view of this decision of the Hon'ble Supreme Court, the applicant cannot succeed. The petition is dismissed. No costs.</p> <p><i>Parvez, J. M. A. 16.2.95 Secty. I. P. I. D. C. M. A. 16.2.95 Recd. at office of Addl. Admin. No. 13 16.2.95 (A. P. D. M. A. 16.2.95)</i></p> <p>MEMBER (ADMINISTRATIVE)</p> <p><i>Copy of order No. 13 dt. 16.2.95 may be given to both the counsels. for attestation P.I. D 16.2.95 P.M. 21/2/95 S. S. (S. S.)</i></p> <p><i>Recd. 16.2.95 P.M. 21/2/95 R. M. 21/2/95 21/2/95</i></p>