

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No. 62 of 1994

Friday, this the 17th day of November, 1995

CORAM:

HON'BLE MR SP BISWAS, ADMINISTRATIVE MEMBER

1. TV Sathesh (TS/24447/IJK)
Thalappilly House,
Kodungallur, Trichur.
Now employed as Junier Security Guard
in Regional Research Laboratory,
Trivandrum-19.
2. VJ Varghese (TS/42299/TVM)
TC/18/1833/2, Thivila House,
Thirumala PO, Trivandrum.
Now employed as Driver in
Branch Recruiting Office, Trivandrum.
3. S Narayanan Nair (TS/40716/TVM)
Prasant TC 20/1178,
Sastri Nagar, Karamana, Trivandrum.
Now employed as Welder in
Station Work Shop EME, Trivandrum.
4. K Vikraman Nair (TS/40277/TVM)
TC/7/1277 Lakshmi Nivas,
Vattiyoorkavu PO, Trivandrum.
Now employed as Vehicle Mechanic in
Station Work Shop EME, Trivandrum.
5. P Raveendran Pillai (TS/39602/NED)
PM House, Irinchayam PO, Trivandrum.
Now employed as Chowkidar in
Station Work Shop EME, Trivandrum.
6. AH Davood (TS/41114/NED)
Sheeba Manzil,
Peringamala PO, Trivandrum.
Now employed as Chowkidar in
Station Work Shop EME, Trivandrum.
7. Chellappan (TS/40114/NED)
Panakodu Charuvila Puthanveedu,
Karakulam PO, Trivandrum.
Now employed as Safaiwala in
Station Headquarter, Trivandrum.
8. KN Gopalakrishnan Nair (TS/13093/PTA)
Kezhiyeth, Mammoodu PO, Pathanamthitta.
Now employed as Instrument Mechanic in
Station Work Shop EME, Trivandrum.
9. KK Somarajan (TS/17471/TVA)
Kurumala House, PO Elavanthitta,
Pathanamthitta.
Now employed as Telecom Maintainer in
Railway Telephone Exchange, Ernakulam.
10. Mohammed Rafi Mohammed Kasim (TS/36910/TVM)
Kunnumpurathu Veedu, Sreekariyam PO,
Trivandrum. Now employed as Security Guard
in Regional Research Laboratory, Trivandrum. ... Applicants

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By Advocate Mr. M Rajagopalan

Versus

1. Union of India represented by the Secretary, Ministry of Defence, New Delhi.
2. Controller of Defence Accounts (P), Allahabad.
3. Defence Pension Disbursing Officer, Trichur.
4. Defence Pension Disbursing Officer, Trivandrum.
5. Defence Pension Disbursing Officer, Kollam.
6. Defence Pension Disbursing Officer, Kottayam.

.. Respondents

By Advocate Mr. TPM Ibrahim Khan, SCGSC

The application having been heard on 17th November, 1995, the Tribunal on the same day delivered the following:

O R D E R

SP BISWAS, ADMINISTRATIVE MEMBER

Applicants are ex-service pensioners reemployed in various Departments of the Central Government. They pray for grant of relief on pension.

2. The question of grant of relief on Military pension was considered by the Supreme Court in Union of India and Others Vs. G Vasudevan Pillay and Others, 1995 (2) SCC 32. The Supreme Court stated:

"even if Dearness Relief be an integral part of pension, we do not find any legal inhibition in disallowing the same in cases of those pensioners who get themselves reemployed after retirement. In our view this category of pensioners can rightfully be treated differently from those who do not get reemployed; and in the case of re-employed pensioners it would be permissible in law to deny DR on pension in as much as the salary to be paid to them on reemployment takes care of erosion in the value of the money because of rise in prices, which lay at the back of grant of DR, as they get Dearness Allowance on their pay which allowance is not available to those who do not get reemployed we are concerned with the denial of Dearness Relief on family pension on employment of dependants like widows of the ex-servicemen. This decision has to be sustained

in view of what has been stated above regarding denial of DR on pension on reemployment.... 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 reemployment or whose dependants got employment is legal and just."

The case of applicants is squarely covered by this decision. Accordingly this prayer is rejected.

3. It is submitted that a review application has been filed in the Supreme Court against the above decision and is pending. If the review results in enunciation of a fresh decision which confers any benefit on persons like applicants in respect of relief on Military pension, applicants herein shall be entitled to receive such benefits at the hands of the respondents.

4. Application is disposed of as aforesaid. No costs.

Dated the 17th November, 1995


S P BISWAS
ADMINISTRATIVE MEMBER

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