

CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH

D.A. No. 94 of 1994.

Tuesday this the 21st day of November, 1995.

HON'BLE MR. P.V. VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

1. M. Narayanan,  
Branch Postmaster  
(Extra Departmental),  
Kotakad, Chettippadi,  
Tirur Division.
2. P. Kunhunni,  
Branch Postmaster,  
(Extra Departmental),  
Karthala,  
Kuttipuram, Tirur Division. .. Applicants  
(By Advocate Shri P. Santhosh Kumar)

Vs.

1. Union of India represented by  
the Director General (Posts),  
New Delhi.
2. Chief Post Master General,  
Kerala Circle,  
Thiruvananthapuram,
3. The Superintendent of Post Offices,  
Tirur Division, Tirur. .. Respondents  
(By Advocate Shri TPM Ibrahim Khan, SCGSC)

The application having been heard on 21st November, 1995,  
the Tribunal on the same day delivered the following:

ORDER

P.V. VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

Applicants are reemployed Military Pensioners.

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 reemployed pensioners it would be permissible in law to deny DR on pension inasmuch 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 reemployment 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 the 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 a modification of the decision which confers any benefit on persons like the applicants in respect of relief on Military pension, applicants shall be entitled to receive such benefits at the hands of the respondents.

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

Dated, the 21st November, 1995.

  
PV VENKATAKRISHNAN  
ADMINISTRATIVE MEMBER