

CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH

O.A.No.150/94

Thursday, this the 23rd day of November, 1995.

CORAM:

HON'BLE MR PV VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

1. D Balakrishnan Nair,
Upper Division Clerk,
Office of the Collector of Customs,
Cochin-9.
2. S Thulasi,
Sepoy, Office of the Collector of Customs,
Cochin-9.
3. B Radhakrishnan Nair,
Sepoy, Office of the Collector of Customs,
Cochin-9.
4. Sabu Abraham,
Sepoy, Office of the Collector of Customs,
Cochin-9.
5. KE Abraham,
Sepoy, Office of the Collector of Customs,
Cochin-9.
6. NM Christopher,
Sepoy, Office of the Collector of Customs,
Cochin-9.
7. PK Narayana Kurup,
Sepoy, Office of the Collector of Customs,
Cochin-9.
8. PK Sadanandan,
Sepoy, Office of the Collector of Customs,
Cochin-9. - Applicants

Vs

1. Union of India represented by
Secretary to Government,
Department of Pension and
Pension Grievances, New Delhi.
2. Controller of Defence Accounts,
Allahabad.
3. Defence Pension Disbursing Officer,
Thiruvananthapuram.
4. Defence Pension Disbursing Officer,
Kollam.
5. Defence Pension Disbursing Officer,
Kottayam.
6. Defence Pension Disbursing Officer,
Ernakulam. - Respondents

By Advocate Mr TPM Ibrahimkhan, Senior Central Government
Standing Counsel

The application having been heard on 23.11.95 the Tribunal
on the same day delivered the following:

O R D E R

Applicants are re-employed 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:

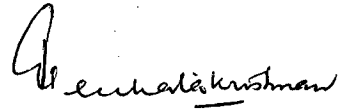
"even if Dearness Relief be an integral part of pension,
we do not find any legal inhibition in disallowing the
same in cases of those pensioners who get themselves
re-employed after retirement. In our view this
category of pensioners can rightfully be treated
differently from those who do not get re-employed;
and in the case of re-employed pensioners it would
be permissible in law to deny DR on pension inasmuch
as the salary to be paid to them on re-employment
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
re-employed...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
re-employment...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
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 or family 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 23rd day of November, 1995.



PV VENKATAKRISHNAN
ADMINISTRATIVE MEMBER

trs/2311