

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

DATE: 22.1.90

PRESENT

HON'BLE SHRI S. P. MUKERJI, VICE CHAIRMAN

&

HON'BLE SHRI N. DHARMADAN, JUDICIAL MEMBER

O.A. 19/90

K. I. Kochukunju

Applicant

Vs.

1. The Director, Central Institute of Fisheries Nautical & Engineering Training (CIFNET), Diwans Road, Cochin-16
2. Controller of Defence Accounts (Pension) Allahabad,
3. Union of India represented by the Secretary, Ministry of Finance, New Delhi and
4. Defence Pension Disbursing Officer Ernakulam

Respondents

Mr. M. Rajagopalan

Counsel for the applicant

Mr. P. V. Madhavan Nambiar, SCGSC

Counsel for the respondents

ORDER

HON'BLE SHRI S. P. MUKERJI, VICE CHAIRMAN

Heard learned counsel for both the parties and gone through the documents. Since a Larger Bench of this Tribunal in its judgment in TAK 732/87 dated 20.7.89 by majority decision directed that the relief including ad hoc relief, on ignorable part of pension cannot be withheld or suspended during the period of re-employment of ex-servicemen

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we direct that in this application also, the applicant should be paid pension relief on the ignorable part of pension during the period of his re-employment and if such a relief has been withheld or suspended during the period of employment, the same should be reimbursed to him within a period of three months from the date of communication of this order. The application is closed on the above lines.

2. There will be no order as to costs.


(N. Dharmadan)
Judicial Member

22.1.90


(S. P. Mukerji)
Vice Chairman

22.1.90

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CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA NO. 19 OF 1990

Wednesday, this the 28th day of January, 1998

CORAM

HON'BLE MR. A.M. SIVADAS, JUDICIAL MEMBER

1. K.I. Kochukunju, S/o Chacko Issac,
Resident of Kandathil House,
PO Kombanad, Dt. Ernakulam
Now employed as Sr. Electrician,
Central Institute of Fisheries
Nautical & Engineering Training,
Diwans Road, Cochin-16
(Ministry of Agriculture). .. Applicant

By Advocate Mr. M. Rajagopalan

Versus

1. The Director, Central Institute of
Fisheries Nautical & Engineering
Training (CIFNET), Diwans Road, Cochin-16
2. Controller of Defence Accounts (Pension),
Allahabad.
3. Union of India represented by the
Secretary, Ministry of Defence,
New Delhi.
4. Defence Pension Disbursing Officer
(D.P.D.O.), Ernakulam. .. Respondents

By Advocate Mr. TPM Ibrahim Khan, SCGSC

The application having been heard on 28-1-1998, the
Tribunal on the same day delivered the following:

O R D E R

The applicant seeks to declare that pension relief
to him cannot be suspended during the period of his
re-employment and to direct the respondents to pay the
pension relief to him during the period of his re-
employment.

2. This OA was once disposed of by this Bench of the
Tribunal directing the respondents to pay pension relief

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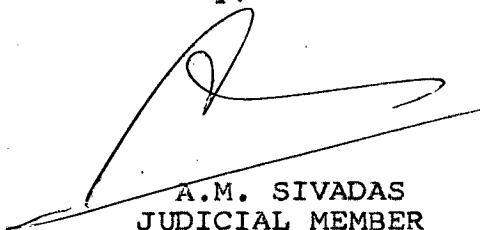
on the ignorable part of the pension during the period of the re-employment of the applicant and if such a relief has been withheld or suspended during the period of re-employment, the same should be reimbursed to him within a period of three months from the date of communication of the order.

3. Against the said order the respondents took up the matter in appeal before the Apex Court and the Apex Court in Civil Appeal No. 7181 of 1997 set aside the order impugned and remanded the matter for fresh disposal in the light of the dictum laid down in Union of India & Ors Vs. G. Vasudevan Pillay & Ors, (1995) 2 SCC 32.

4. In Union of India & Ors Vs. G. Vasudevan Pillay & Ors, it has been held by the Apex Court 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. In the light of the dictum laid down in the said ruling, the applicant is not entitled to the reliefs claimed for and the OA is only to be dismissed.

5. Accordingly, the original application is dismissed.
No costs.

Dated the 28th of January, 1998



A.M. SIVADAS
JUDICIAL MEMBER