

CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH

O.A. No. 206 of 1994.

Friday this the 8th day of December, 1995.

HON'BLE MR. S.P. BISWAS, ADMINISTRATIVE MEMBER

1. L. Thankappan, (TS/30100/ATL)  
Mechanic in Chief Workshop  
Manager Signal and Telecom.  
Work Shop, Podanur.
2. P.K. Mohanan Nair (TS/8019/ALP)  
LD Clerk in INS Venduruthy,  
Naval Base, Cochin.
3. K. Prabhakaran Nair, (TS No./8017)  
Sepoy, Central Excise,  
Divisional Office, Palakkad.
4. P.R. Velayudhan Nair, (TS No.27)  
Driver, Vikram Sarabhai Space  
Centre, Trivandrum.
5. Sethu Madhavan M.B. (TS.No.597)  
Senior Store Keeper in Radar 'C',  
Division, Electric & Radar  
Development Establishment, P.O.,  
Bangalore.
6. K.P. Madhavan (SB A/c No.19/4921)  
M.T. Driver, INS Venduruthy,  
Naval Base, Cochin.
7. P.K. Chothi (SB A/c No. 5152)  
M.T. Driver, INHS Sanjivani,  
Naval Base, Cochin. .. Applicant

(By Advocate Shri M. Rajagopalan)

Vs.

1. Union of India represented by the  
Secretary, Ministry of Defence,  
New Delhi.
2. Controller of Defence Accounts,  
(Pension), Allahabad.
3. Defence Pension Disbursing  
Officer, Trivandrum.
4. Defence Pension Disbursing  
Officer, Ernakulam.

2

5. Sub. Treasury Officer,  
Ottapalam, Palakkad.
6. Treasury Officer,  
Sultan's Battery, Wayanad.
7. Sub-Treasury Officer,  
Manjery, Malapuram.
8. Branch Manager,  
State Bank of India,  
ADB. Kainatty, Kalpetta.
9. Branch Manager,  
State Bank of Travancore,  
Kolenchery. .. Respondents.

(By Advocate Shri T.P.M. Ibrahim Khan, SCGSC. (for R.1-4)

The application having been heard on 8th December, 1995,  
the Tribunal on the same day delivered the following:

O R D E R

S.P. BISWAS, ADMINISTRATIVE MEMBER

Applicants are ex-Service pensioners re-employed 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 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 enunciation of a fresh 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 8th day of December, 1995.

  
SP BISWAS  
ADMINISTRATIVE MEMBER

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