

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No. 218 of 1996

Thursday, this the 5th day of June, 1997

CORAM

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

1. N. Ramachandran,
Asst. Foreman,
Electronic & Radar Development,
Establishment, C.V.Raman Nagar,
Bangalore.
2. R. Vijayan,
Store Keeper,
Electronic & Radar Development,
Establishment, C.V.Raman Nagar,
Bangalore.

.. Applicants

By Advocate Mr. M. Rajagopalan

Versus

1. Manager,
State Bank of Travancore,
Peringode Branch, Parassery,
Palakkad.
2. Manager,
State Bank of India,
English Church Road, Palakkad-1
3. Controller of Defence Accounts
(Pension), Allahabad.
4. Union of India represented by the
Secretary, Ministry of Defence,
New Delhi.

.. Respondents

By Advocate Mr. George Joseph, ACGSC (R3&4)

The application having been heard on 5-6-1997, the
Tribunal on the same day delivered the following:

O R D E R

The applicants seek for the following directions:

- (i) not to suspend the pension relief payable to
them,
- (ii) not to recover the pension relief already
paid to them, and

contd..2

(iii) the pension relief cannot be denied to them till the matter is finally decided by the Apex Court.

2. The applicants are ex-service pensioners, re-employed in the Electronic and Radar Development Establishment, Bangalore. They are drawing their military pension granted to them. The dearness allowance on pension was withheld on the ground that they are re-employed. The 1st respondent has stopped paying the dearness allowance on pension to the applicants on the ground that instructions have been received from respondents 3 and 4 to stop the payment of dearness allowance on pension to the re-employed pensioners.

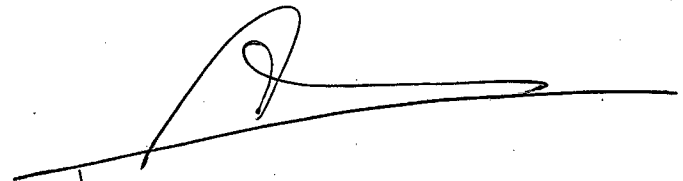
3. The 1st respondent informed the applicants that this is done as per the pronouncement of the Apex Court. According to the applicants, review in respect of the said ruling has been filed and was pending at the time of the filing of the OA.

4. ~~According to the respondents,~~ ^{l r l} the issue has already been decided by the Apex Court in Union of India and Others Vs. G. Vasudevan Pillai and Others, (1995) 2 SCC 32.

5. When the OA came up for hearing, learned counsel for the applicants submitted that the Review Application has been dismissed by the Apex Court. Hence, the position is that the issue is already decided, as contended by the respondents, by the Apex Court as per the ruling referred to above. That being so, the OA is only to be dismissed.

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

Dated the 5th of June, 1997



A.M. SIVADAS
JUDICIAL MEMBER