

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A. 263/94

Wednesday, this the 14th day of February, 1996.

CORAM:

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

T. Gangadharan,
Perungulam, Alathur,
Palakkad.

..Applicant

By Advocate Mr. K.M. Anthru

Versus

1. Union of India through
the Secretary to Government of India,
Ministry of Personnel, Public Grievance,
and Pension, New Delhi,
2. The Chief Controller of Defence Accounts (P),
Allahabad.
3. The Sub Treasury Officer,
Alathur.

.. Respondents

By Advocate Mr. TPM Ibrahim Khan, SCGSC for R 1 & 2

The application having been heard on 14th February, 1996
the Tribunal on the same day delivered the following:

O R D E R

S. P. BISWAS, ADMINISTRATIVE MEMBER

Applicant is an ex-service pensioner re-employed in the
Postal Department. He prays 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
V. G. Vasudevan Pillai 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

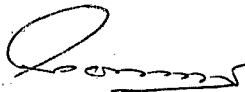
deny Dearness Relief on pension in as much as the salary to be paid to them on reemployment takes care of erosion in the value of the money because of rise in prices, which lay at the back of grant of Dearness Relief, as they get Dearness Allowance on their pay which allowance is not available to those who do not get reemployed ... we are concerned with the denial of Dearness Relief on family pension on employment of dependants like widows of the exservicemen. This decision has to be sustained in view of what has been stated above regarding denial of Dearness Relief 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 exservicemen who got reemployment or whose dependants got employment is legal and just."

The case of applicant 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 applicant in respect of relief on Military pension, applicant shall be entitled to receive such benefits at the hands of the respondents.

4. Application is disposed as aforesaid. No costs.

Dated the 14th February, 1996.



S. P. BISWAS

ADMINISTRATIVE MEMBER

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