

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No. 273 of 1994

Wednesday, this the 14th day of February, 1996

CORAM:

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

1. Palamootil Antony Joseph,
(TS/19735/KTM) Nadukkethil House,
Kottamurikkal PO, Kottayam.
Employed as Telephone Operator
in Telephone Exchange, Mammood,
Kottayam
2. N. Radhakrishnan (TS/43855/TVM)
Varadalayam, Karamana PO,
Trivandrum.
Employed as Technician
in Doordarshan Kendra, Trivandrum.
3. K.R. Cyril (TS No. TS/8880/EKM)
Kuttappasseril House,
Kandikkadavoo PO, Cochin-8
Employed as Driver
in Geological Survey of India,
Marine Wing, Cochin.

.. Applicants

By Advocate Mr. M Rajagopalan

Versus

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,
Kottayam.
4. Defence Pension Disbursing Officer,
Trivandrum.
5. Defence Pension Disbursing Officer,
Ernakulam.

.. Respondents

By Advocate Mr. TPM Ibrahim Khan, SCGSC

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

Applicants are exservice pensioners reemployed in the
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 V. G. Vasudevan Pillai and Others (1995 (2) SCC 32).

The Supreme Court stated:

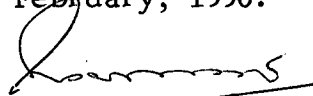
"even if Dearness Relief be an integral part of pension, we do not find any legal inhibition in disallowing the same in cases of those pensioners who get themselves reemployed after retirement. In our view this category of pensioners can rightfully be treated differently from those who do not get reemployed 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 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 applicants in respect of relief on Military pension, applicants shall be entitled to receive such benefits at the hands of the respondents.

4. Application is disposed of as aforesaid. No costs.

Dated the 14th February, 1996.



S. P. BISWAS

ADMINISTRATIVE MEMBER

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