

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

O.A. No. 277/94

Thursday, this the 15th day of February, 1996.

CORAM:

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

1. K.R. Thankappan  
Road Van Porter, Shornur,  
Palghat Division,  
Southern Railway.
2. T.R. Rajagopalan,  
CL IV Employee, Alathur,  
Palghat Division,  
Southern Railway.
3. Raju Varghese,  
Atomic Minerals Division,  
Poojappura, Trivandrum. .... Applicants

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. .... Respondents

By Advocate Mr. S. Radhakrishnan, ACGSC

The application having been heard on 15.2.1996  
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 Military Pension.

2. The question of grant of relief on Military pension  
was considered by the Supreme Court in Union of India & Ors

Vs. G Vasudevan Pillay & Ors, 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 DR 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 DR, 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 ex-servicemen. This decision has to be sustained in view of what has been stated above regarding denial of DR 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 ex-servicemen 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. Parties will suffer their costs.

Dated the 15th February, 1996

  
S.P. BISWAS  
ADMINISTRATIVE MEMBER