

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ERNAKULAM BENCH

O. A. No. 320 of 1993.

DATE OF DECISION 23-2-1993

Mr KR Vijayarajan & 4 others Applicant (s)

Mr G Sukumara Menon Advocate for the Applicant (s)

Versus

UOI represented by Secretary Respondent (s)
M/o Finance, New Delhi & 4 others

Mr Mohamed Navaz, ACGSC Advocate for the Respondent (s)

CORAM :

The Hon'ble Mr. AV HARIDASAN, JUDICIAL MEMBER

~~The next Bench xx~~

1. Whether Reporters of local papers may be allowed to see the Judgement
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the Judgement?
4. To be circulated to all Benches of the Tribunal?

JUDGEMENT

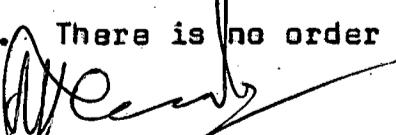
Heard the counsel on either side.

2. M.P-359/93 for joint application is allowed.

3. The grievance of the applicants, ex-Servicemen re-employed under the second respondent is that inspite of the fact that the Larger Bench of the Tribunal had in decision reported in 1990(12) ATC, 514 declared that when pension is ignored either whole or in part the relief thereon should not be suspended or withheld during the currency of re-employment, the respondents are continuing to withhold the relief on the ignorable part of their Military Pension. Therefore they have filed this application praying that the respondents may be directed to pay them the relief including adhoc relief on the ignorable part of their

pension and to refund to them whatever amount withheld hitherto.

The applicants got re-employed under the second respondent on various dates. They are not being paid the relief on pension for quite some time. But now the applicants have filed this application on the ground that the respondents should have on the basis of the ruling of Larger Bench relied on by them given the relief on the ignorable part of their pension. But after the judgement was rendered by the Larger Bench of the Tribunal, the applicants have not made any representation to the second respondent or to any other authority claiming the benefit of the above declaration in the judgement under citation. If the applicants are identically situated as the applicants in the case ~~xxxxxx~~ under citation and if they are entitled to the benefit flowing out of the judgement, the applicants should have brought the matter before the respondents claiming the extension of the benefits and they ought have ~~xxxxxx~~ approached this Tribunal only in case the respondents refused to extend to them the benefit or ~~xxxx~~ to take any decision. In these circumstances, I am of the view that the application is premature. Therefore the application is rejected under Section 19(3) of the A.T. Act. However, this will not preclude the applicants from seeking extension of the benefits sought by them in this application by making appropriate representation to the competent authority. There is no order as to costs.


(AV HARIDASAN)

JUDICIAL MEMBER

23-2-1993

trs