

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No. 329 of 1994

Thursday, this the 15th day of February, 1996

CORAM:

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

1. KP Mathew, Konnathu House,
Kandassankadavu PO, Thrissur.
(Driver, Office of the Chief Engineer,
Navy, Kochi-4)
2. N Mohanan Nair, Thuruthimadathil House,
Thaikkattukara PO, Aluva-6.
(Driver Grade II, Office of the Chief Engineer,
Navy, Kochi-4)
3. MP Rajan, Kochuveetttil House,
Puthiyakavu, Mavelikara, Alappuzha District.
(S.B.A. (Electrician), Office of the Chief Engineer,
Navy, Kochi-4)
4. V George, Manakkaparambil House,
Njarakkal PO.
(Mazdoor, Office of the Chief Engineer (P) R&D,
Navy, Kochi-4)
5. VK Aravindakshan, Palathumparambil House,
Ezhikkara PO, N. Parur.
(Chawkidar, Office of the Chief Engineer (P) R&D,
Navy, Kochi-4)
6. Subramani, Kaithavalappil House,
Njarakkal Post.
(Driver, Office of the Chief Engineer (P) R&D,
Navy, Kochi-4)
7. K Francis, Kuruppassery Rose Villa House,
Ramakrishna Nagar, Thuthiyoor.
(Peon, Office of the Chief Engineer (P)
R&D, Navy, Kochi-4)
8. P Ramachandran Nair, Puthiyatharayil House,
Ala PO, Chengannur, Alappuzha District.
(Electrician, Office of the Chief Engineer,
Navy, Kochi-4)
9. Chandran, S/o Govindan, Sanu Bhavan,
West Koratty PO, Mambra, Thrissur District.
(Chawkidar, Office of the Chief Engineer,
Kochi-4)
10. PS Rajan, Robin Nivas,
Kannankulangara, Thrissur-7
(Senior Scientific Assistant,
Defence Research & Development Organisation,
NPOL, Thrikkakara, Kochi)

... Applicants

Versus

1. Union of India represented by the Secretary to Government, Ministry of Finance, Central Secretariat, North Block, New Delhi.
2. Controller of Defence Accounts (Pension), Allahabad.
3. Defence Pension Disbursing Officer, Kottayam.
4. Defence Pension Disbursing Officer, Ernakulam.
5. Defence Pension Disbursing Officer, Thrissur.
6. Chief Engineer (P) R & D, Navy, Kochi-4 .. Respondents

By Advocate Mr. TPM Ibrahim Khan, SCGSC

The application having been heard on 15th February, 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

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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