

CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH

O.A.No.362/94

Friday, this the 16th day of February, 1996.

CORAM:

HON'BLE MR PV VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

1. K Thankayyan Nadar,
13824547 SEP/MT(DVR),
Postman, Chalai,
Thiruvananthapuram-695 036.
2. R Sadasivan Nair,
257048 SGT(Air Force),
Senior Parcel Clerk,
Southern Railway,
Trivandrum Central,
Thiruvananthapuram. - Applicants

By Advocate Mr G Sasidharan Chempazhanthiyil & Mrs Pearly Mathew
Vs

1. Union of India represented by
its Secretary in the
Ministry of Defence,
New Delhi.
2. Controller of Defence Accounts(Pension),
Allahabad.
3. Defence Pension Disbursing Officer,
Thiruvananthapuram. - Respondents

By Advocate Mr Varghese P Thomas, Additional Central Government
Standing Counsel

The application having been heard on 16.2.1996 the
Tribunal on the same day delivered the following:

O R D E R

Applicants are re-employed Military pensioners. 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 Vs
G Vasudevan Pillay and others, ((1995) 2 SCC 32). The Supreme
Court stated:

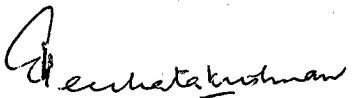
"even if Dearness Relief be an integral part of pension, we do not find any legal inhibition in disallowing the same in cases of those pensioners who get themselves re-employed after retirement. In our view this category of pensioners can rightfully be treated differently from those who do not get re-employed; and in the case of re-employed pensioners it would be permissible in law to deny DR on pension inasmuch as the salary to be paid to them on re-employment 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 re-employed...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 re-employment...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 re-employment or whose dependents got employment is legal and just."

The case of the 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 a modification of the decision which confers any benefit on persons like the applicants in respect of relief on Military pension or family pension, applicants shall be entitled to receive such benefits at the hands of the respondents.

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

Dated, the 16th day of February, 1996.


PV VENKATAKRISHNAN
ADMINISTRATIVE MEMBER