

CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH

O.A.No.397/94

Thursday, this the 22nd day of February, 1996.

CORAM:

HON'BLE MR PV VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

1. Payakara Kutty Narayanan(TS/5039)
Telephone Technician in
Telephone Exchange, Tanur,
Malappuram.
2. Balakrishnan Nair P(TS/4821),
Telephone Technician in
Telephone Exchange, Tanur,
Malappuram.
3. V Kuttynarayanan(SB A/c No.2288),
Watchman in Central Plantation Crops
Research Institute, Kasargod.
4. Velivil Unnikrishnan(SB A/c No.PN-10),
Driver in Telecommunication Department,
Calicut.
5. M Narayanan(SB A/c No.Pen/1-182),
Postal Assistant in Nadakkavu,
Calicut.
6. CV Gangadharan Nair(TS/1854/KTM),
Group'D' in Customs & Central Excise,
Vaikom, Kottayam. - Applicants

Vs

1. Union of India represented by
the Secretary,
Ministry of Defence,
New Delhi.
2. Controller of Defence Accounts(P),
Allahabad.
3. Sub Treasury Officer,
Tirur, Malappuram.
4. Branch Manager, Canara Bank,
Tanur, Malappuram.
5. Branch Manager, State Bank of India, Tirur,
Malappuram. - Respondents

6. Branch Manager,
State Bank of India,
Calicut Main Branch.
7. Defence Pension Disbursing Officer,
Kottayam. - Respondents

By Advocate Mr TPM Ibrahimkhan, Senior Central Government
Standing Counsel

The application having been heard on 22.2.96 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

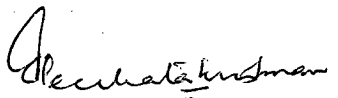
re-employment or whose dependents got employment is legal and just."

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 22nd day of February, 1996.


PV VENKATAKRISHNAN
ADMINISTRATIVE MEMBER

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