CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH

O.A.No.400/94

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

CORAM:

HON'BLE MR PV VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

1. Unnikrishna Menon(TS/22653/TVM),
T.C.No.4/1087, Sreenikethan,
Kawdiar, Trivandrum.

2. N Thankappan Nair(TS/19856/TVM),
Kuthaya Bhavan,
Poonalliyoorkonam,
Peroorkadu, Trivandrum.

3. AV Poulose(TS/11892),
Aranattukarakaren House,
Aranattukara.P.O.
Trichur.

4. P Balakrishnan(TS/5318),
Sumalayam, P.O.Chennangad,
Palakkad.

5. CN Menon(TS/2045/MPM),
K.P.IX/390/Chettikunnu,
Kumarapuram, Trivandrum. - Applicants

Vs

1. Union of India represented by
the Secretary,
Ministry of Defence,
New Delhi.

2. Controller of Defence Accounts(Pension),
Allahabad.

3. Defence Pension Disbursing Officer,
Trivandrum.

4. Defence Pension Disbursing Officer,
Trichur.

5. Sub Treasury Officer,
Alathur, Palakkad.

6. Sub Treasury Officer,
Tirur, Malappuram. - Respondents

By Advocate Mr Varghese P Thomas, Additional Central Government Standing Counsel(for R.1 to 4)

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.

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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 22d day of February, 1996.

PV VENKATAKRISHNAN
ADMINISTRATIVE MEMBER

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