

**CENTRAL ADMINISTRATIVE TRIBUNAL**  
**BOMBAY BENCH**

✓  
OPEN COURT / PRE-DELIVERY JUDGMENT IN OA

1141/93  
11

✓  
Hon'ble Vice Chairman / Member (J) / Member (A)  
may kindly see the above Judgment for  
approval / signature.

*N. K. Kulkarni*

✓  
V.C. / Member (J) / Member (A) (K/S)

19/2/93

Hon'ble Vice Chairman

Hon'ble Member (J) - DC V

(at Lucknow)

Hon'ble Member (A) (K/S)

CENTRAL ADMINISTRATIVE TRIBUNAL  
BENCH AT MUMBAI

ORIGINAL APPLICATION No. 1141/93/199

Date of Decision: 6.2.97

Union of Ex-Servicemen  
etc. & 33 ors.

Petitioner/s

Mr. S P Saxena

Advocate for the  
Petitioner/s

V/s.

H.O.I. & 3 ors.

Respondent/s

Mr. R K Shetty

Advocate for the  
Respondent/s

CORAM:

Hon'ble Shri M.R. Kolhatkar, Member(A)

Hon'ble Shri D.C. Verma, Member(J)

- (1) To be referred to the Reporter or not ? X
- (2) Whether it needs to be circulated to  
other Benches of the Tribunal ? X

M.R. Kolhatkar  
Member(A)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH, 'GULESTAN' BUILDING NO.6  
PRESCOT ROAD, MUMBAI 400001

O.A.NO. 1141/93

DATED : 6TH DAY OF FEBRUARY, 1997

CORAM: Hon. Shri M R Kolhatkar, Member(A)

Hon. Shri D.C Verma, Member(J)

1. Union of Ex-Servicemen  
re-employed in Defence  
in DOD Talegaon Dabhade  
Pune 410506 & 32 ors  
(By Adv. Mr. S.P.Saxena)

..Applicants

V/s.

Union of India  
through the Secretary  
Ministry of Defence  
DHO PO  
New Delhi & 3 ors.  
(By Adv. Mr. R K Shetty, Central  
Govt. Standing Counsel)

..Respondents

ORDER

[Per: M.R.Kolhatkar, Member(A)]

Heard Mr. S P Saxena, counsel for the applicant and Mr. R K Shetty, counsel for the respondents. The reliefs sought in this O.A. are as under:

- b) to declare that the applicant no.2 to 30 are entitled to receive their basic pension along with relief on basic pension, in respect of the service rendered by them under Army, while being re-employed in a civilian post,
- c) to declare that recovery of relief already paid to applicant nos. 2 to 33 is illegal and bad in law.

2. It is not disputed that the issue raised and the relief (b) sought is no longer resintegrated in view of UNION OF INDIA & ORS. Vs. G. VASUDEVAN PILLAY & ORS., 1995(1) SCALE and the OA is therefore required to be rejected.

3 So far as relief at (c) is concerned Id. Counsel for the applicant invited our attention to the Supreme Court Judgment in NATIONAL EX-SERVICEMEN COORDINATION COMMITTEE ETC. ETC. Vs. CONTROLLER GENERAL OF DEFENCE ACCOUNTS AND OTHERS, 1996(2) S.C. SERVICES LAW JUDGMENTS 479, in para 7 the Hon'ble Supreme Court as observed as under:

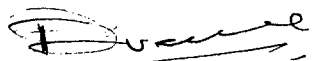
"7. No other submission having been made, or indeed being available, the review petitions are dismissed. We would, however, desire the Union of India to apply mind to the question whether ex-servicemen could be treated differently from others in so far as the matter at hand is concerned, in view of their service conditions said to be not attractive. We would also desire the Central Government to sympathetically consider the question of non-realisation of amount already disbursed to re-employed ex-servicemen on the aforesaid account."

This judgment was delivered on 9.9.1996. In view of this we assume that the action in terms of the Hon'ble Supreme Court judgment must be under consideration of the Department.

4. We direct that the action in terms of the Hon'ble Supreme Court's direction, which is material in respect of reliefs at (c), should be communicated to the applicant within six months of the communication of this order. Till that time the recovery should remain stayed.

.3.

5. O.A. disposed of with above directions.  
No order as to costs.



(D.C. Verma)

M(J)



(M.R. Kolhatkar)

M(A)