

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,

MUMBAI BENCH, MUMBAI.

O/A 361/93

1. Original Application No. 561 OF 1993.

2. Original Application No. 845 OF 1993.

Wednesday, this the 30th day of July, 1997.

Coram: Hon'ble Shri B.S.Hegde, Member(J),
Hon'ble Shri M.R.Kolhatkar, Member(A).

1. Original Application No. 561/93.

1. Smt. Anuradha Suhas Joshi
2. Smt. Carmeline Almeida
3. Smt. Sarita Laxmikant Kharpate
4. Smt. Usha Onkar Junagade
5. Smt. S. Aruna
6. Smt. Kalpana J. Gaikwad
7. Smt. Gracy Goes
8. Smt. A.S. Leelamony Amma
9. Smt. Laxmibai Waman Kulkarni
10. Smt. Alice Varghese
11. Smt. Sherbanu Shaikh Mohamed
12. Smt. J. Pushpa Leela
13. Smt. Urmila Ramesh Shinde
14. Smt. Annapurna Parappa
15. Smt. Anandibai Balu Kasare
16. Smt. Kusum B. Samgurde
17. Smt. Laxmibai N. Parab
18. Smt. D. Vasantha
19. Smt. Vaishali D. Mhapankar
20. Smt. Bharati M. Chandanshive
21. Smt. Savitribai G. Kori
22. Smt. Nanda R. Jadhav
23. Smt. Phool Kumari Yadav
24. Smt. Gangubai
25. Smt. Manikam Hanumanta
26. Smt. Suman Deoram Pandav

... (Applicants)
in
(O.A. 561/93)

2. Original Application No. 845/93.

1. Smt. Laxmi K. Pathwar
2. Smt. Sarojini Keshavan Nair

3. Smt.Jayashree J.Thakur
4. Smt.Jijabai Vasant Gangurde
5. Smt.Susheela S.K.More
6. Smt.Hiravati Laxman Pagare
7. Smt. Susan M.Kenny
8. Smt.Laxmi Ramesh
9. Smt. Saubhagya Mahadeo
10. Smt.Prabhavati Shivram Chauhan
11. Smt.Laxmi Bapu Randhir
12. Smt.Sakuntala D.Pendarkar
13. Smt.Saroja R.Bhimappa
14. Smt.Parvati R.Chalwadi
15. Smt.Gyamamma Kongre
16. Smt.Jayabai J.Pandurang
17. Smt.Yellamma Narsappa
18. Smt.Laxmibai Gayandeo Khandekar
19. Smt.Euphosine Salis
20. Smt.Rajamma K.Kuttapan
21. Smt.Pramila Maruti Korde.
22. Smt. Vandana Ambate,
C/o.Mr.C.Nathan,
Advocate High Court
17, Dalvi Building,
Dr.Ambedkar Rd, Parel,
Bombay - 400 012. ... (Applicants)
in
(OA 845/93)

(By Advocate Shri C.Nathan)

v/s.

1. The Chief Personnel Officer,
Central Railway,
Bombay V.T.,
Bombay - 400 001.
2. The Union of India through
Ministry of Railways,
Railway Board, Rail Bhavan,
New Delhi.110 001. ... Respondents.

(By Advocate Shri V.G.Rege).

O R D E R (ORAL)

(Per Shri B.S.Hegde, Member(J))

Heard Shri C.Nathan, counsel for the applicants and Shri V.G.Rege, counsel for the respondents.

2. The only relief claimed in the above two O.As. are that they should be paid dearness relief on pension by setting aside the provisions in para 4 of the Ministry's letter dt. 25.5.1978.

3. The counsel for the respondents draws our attention to the decision of the Supreme Court in Union of India & Ors. V/s. G.Vasudevan Pillay & Ors. (1995(1) SCALE 9) wherein the Apex Court has held that "Even if Dearness Relief be an integral part of pension, there is no legal inhibition in disallowing the same in cases of those pensioners who get themselves re-employed after retirement, 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 D.R. 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 D.R., as they get Dearness Allowance on their pay which allowance is not available to those who do not get re-employed. Denial of the same to Ex-servicemen who were re-employed in a civil post or on family pension to the dependents like widows of the ex-servicemen or reduction of pay equivalent to enhanced pension of those ex-servicemen who were holding civil posts on 1.1.1986 following their re-employment."

4. In the instant two cases, all these widows of some who died while in service, their wives have been given compassionate appointment. Applying the aforesaid ratio of the Supreme Court, the present applicants

are not entitled to Dearness Relief on pension.
In view of the above, there is no merit in the O.As,
both the O.As. are dismissed. There will be no order
as to costs.

~~(M.R.KOLHATKAR)~~
MEMBER (A)

(B.S. HEGDE)
MEMBER (J).

B.