

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

Original Application No: 82/94

Date of Decision: 22.6.1999

B.N.Mallik

Applicant.

Advocate for
Applicant.

Versus

Union of India & Ors.

Respondent(s)

Shri V.D.Vadhavkar for Shri M.I.Sethna

Advocate for
Respondent(s)

CORAM:

Hon'ble Shri. Justice R.G.Vaidyanatha, Vice Chairman

Hon'ble Shri. D.S.Bawja, Member (A)

(1) To be referred to the Reporter or not? Yes

(2) Whether it needs to be circulated to No
other Benches of the Tribunal?

R.G.Vaidyanatha
(R.G.VAIDYANATHA)

VICE CHAIRMAN

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI

OA.NO. 82/94

Tuesday this the 22nd day of June, 1999.

CORAM: Hon'ble Shri Justice R.G.Vaidyanatha, Vice Chairman
Hon'ble Shri D.S.Bawaja, Member (A)

Bimal Narayan Mallik,
Craftsman 'C',
Workshop Division,
C.W.P.R.S. Khadakwasala,
Pune.

... Applicant

V/S.

1. Union of India
through the Secretary,
Ministry of Water Resources,
Shramshakti Bhavan,
Rafi Marg, New Delhi.

2. Controller of Defence Accounts,
Allahabad.

3. Shri H.S.N.Swamy
Research Officer in Charge
Administrative C.W.P.S.R.,
Khadakwasala, Pune.

4. The Accounts Officer,
Assistant Research Officer,
C.W.P.B.S., Pune.

... Respondents

By Advocate Shri V.D.Vadhavkar
for Shri M.I.Sethna

ORDER

(Per: Shri R.G.Vaidyanatha, VC)

This is an application filed by the applicant under Section 19 of the Administrative Tribunals Act. Respondents have filed reply. Today when the case is taken out for final hearing, applicant and counsel absent. This is an old case of 1994 and specially kept for final hearing today. We have heard Mr.V.D. Vadhavkar on behalf of Mr.M.I.Sethna on behalf of respondents. We have perused the records.



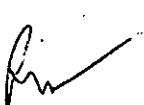
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2. In this application, the applicant is challenging the order of recovery of dearness relief paid on his pension.

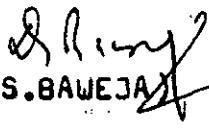
The applicant is an Ex-serviceman. He has been appointed as Craftsman in C.W.P.R.S. After his re-employment, the applicant is getting his pay and dearness allowance as per rules from time to time.

The point of dispute is whether an official can get dearness allowance and dearness relief both on pension and regular pay. According to the applicant he is entitled to dearness relief on his pension and he is also entitled for dearness relief on his pay. But according to the respondents dearness allowance or dearness relief cannot be granted twice but it should be only once, either on pension or pay.

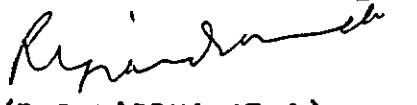
3. The question is no longer res integra and is covered by the decision of Supreme Court in the case of Union of India & Ors. vs. G.Vasudevan Pillay & Ors., 1995(1) ATJ 312. That was an identical case of an Ex-serviceman claiming dearness relief on pension. The Supreme Court has held that denial of dearness relief on pension on re-employment is justified. In view of this decision, there is no difficulty to hold that the action of the respondents in recovering the payment of dearness relief paid on pension is fully justified and does not call for any interference by the Tribunal.



4. In the result, the application is dismissed. The interim order dated 21.2.1994 is hereby vacated. No order as to costs.


(D.S. BAWEJA)

MEMBER (A)


(R.G. VAIDYANATHA)

VICE CHAIRMAN

mrj.