

**Central Administrative Tribunal
Ernakulam Bench**

O.A No.180/00442/2021

Wednesday, this the 8th day of September, 2021

CORAM:

**Hon'ble Mr. P.Madhavan, Judicial Member
Hon'ble Mr.K.V.Eapen, Administrative Member**

P. Ponnu,
aged 88 years, W/o. Late Chinnan T.P.
(Former Driver, Directorate of Arecanut and
Spices Development, Department of Agriculture,
Co-operation and Farmers Welfare, Kozhikode)
Nelliampadam House, Paruvassery P.O.,
Kannambra, Palakkad-678686. - Applicant

(By Advocate: Mrs. Grancy Jose A and Mr. Abdul Jawad K)

Versus

1. The Pay and Accounts Officer,
Pay and Accounts Office,
Ministry of Agriculture and Family Welfare
(Department of Agriculture, Co-operation & Farmers Welfare)
Fine Arts Avenue, Ernakulam – 682016.
2. The Director,
Directorate of Arecanut and Spices Development,
Department of Agriculture, Co-operation & Farmers Welfare,
Kozhikode – 673005.
3. The Accountant General,
Office of the Accountant General (A&E), Kerala,
Thiruvananthapuram – 695001. - Respondents

(By Advocate: Mr.N.Anilkumar,SCGSC for R1 and Mr.K.I Mayankutty Mather for R3)

The O.A having been heard on 8th September, 2021, this Tribunal delivered the following order on the same day:

O R D E R (ORAL)

P.Madhavan, Judicial Member

This Original Application has been filed by the applicant seeking the following reliefs:

“(a) To declare that the applicant is entitled to get family pension by virtue of Annexure-A1 order with effect from 24/09/2012 without any liability as to refund the amount of family pension mistakenly paid to her for the period between 1983 and 1995.

(b) To issue a direction to the respondents 1 and 2 to process the application of the applicant and to grant and disburse family pension forthwith with effect from 24/09/2012 without insisting refund of family pension mistakenly paid to her for the period between 1983 and 1995.

(c) In the alternative, to issue a direction to the respondents 1 and 2 to determine the amount to be refunded by the applicant within a short period and to process the application for family pension of the applicant and to grant and disburse the same to her without much delay.

And

(d) Grant such other and further reliefs as this Hon'ble Tribunal deems fit and proper in the interest of justice.”

2. Brief facts of the case are as follows:

The applicant is the wife of late T.P.Chinnan, who was retired from the Military Service on 14/01/1968. He joined the Services of the 2nd respondent as Driver and retired on superannuation on 31/05/1981. Sri.T.P.Chinnan had opted for military family pension in his service book at the time of superannuation. After his death, the 2nd respondent started disbursing family pension to the applicant obviously by his mistake. The respondents found out their mistake in the year 1995 and they stopped disbursal of family pension to the applicant. But by virtue of an

order issued by the Union Government, the applicant has been entitled to receive family pension from the 2nd respondent apart from the military pension with effect from 24/09/2012. The applicant is 88 years old and if the matter is further delayed she may not be able to enjoy the pension and arrears entitled to her. Aggrieved by this, the applicant prays for appropriate directions to process her application for granting and to pay family pension to her without any delay.

3. When the matter came up for consideration, it appears that Annexure-A5 representation is still pending before the competent authority and no action has been taken so far. In view of the above, we hereby direct the competent authority to consider Annexure-A5 representation filed by the applicant. Counsel for the applicant submits that he wishes to file a fresh detailed composite representation so that the matter can be considered properly.

4. Adv.Mr.N.Anilkumar,SCGSC takes notice on behalf of the respondent no. 1 and Adv. Mr.Vineet Komalachandran representing Adv.Mr.K.I. Mayankutty Mather takes notice on behalf of respondent no. 3.

5. In view of the above submission, **we hereby direct the applicant to file a detailed composite representation within a period of two weeks and the competent authority will consider that representation in the light of relevant rules, regulations and various decisions taken by the Hon'ble Supreme Court and pass a speaking order within a period of 3 months from the date of the receipt of such representation.**

6. The Original Application is disposed of as above at the admission stage itself.

No costs.

(K.V.Eapen)
Administrative Member

(P.Madhavan)
Judicial Member

yy

List of Annexures

Annexure A1- True copy of the letter No. PC-2(6)/2013/D(Pen/Pol) dated 08/07/2019.

Annexure A2- True copy of the covering letter of the application dated 30/11/2020 submitted by the applicant before the 2nd respondent.

Annexure A3- True copy of the representation dated 30/11/2020 submitted by the applicant before the 1st respondent.

Annexure A4- True copy of the letter No.F.25-61/2020-Accts dated 16/12/2020 of the 2nd respondent.

Annexure A5- True copy of the covering letter dated 04/02/2021 submitted by the applicant along with the original PPO before the 2nd respondent.

Annexure A6- True copy of the letter No.PAO/AGRI/COCHIN/Pension/2020-2021/1116 dated 08/03/2021 of the 1st respondent whereby the application of the applicant was returned to the 2nd respondent.

Annexure A7- True copy of the letter dated 09/04/2021 submitted by the applicant before the 2nd respondent with copy to the 1st respondent.

Annexure A8- True copy of the letter No.F.25-61/2020-Accts dated 06/05/2021 of the 2nd respondent.

Annexure A9- True copy of the letter No. PAO/Agri/Cochin/Admin./Pension/2021-22/553, dtd. 24/08/2021.

...