

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No. 454 of 1999

Monday, this the 28th day of February, 2000

CORAM

HON'BLE MR. A.M. SIVADAS, JUDICIAL MEMBER

1. P.N. Raveendran Pillai,
S/o late Narayana Pillai,
Postal Assistant, Chengannur Head Post Office,
Residing at: Ramleela, Penisserry Post,
Chengannur.
2. V.P. Mathews,
S/o Mathai Philipose,
Postal Assistant, Thadiyoor,
Residing at: Lahayil House,
Kolabhagom PO, Thadiyoor.
3. P.N. Lekshmanan,
S/o late A. Narayana Pillai,
Office Assistant, O/o Senior Superintendent
of Post Offices, Trivandrum (N) Division,
Residing at: TC-12/610 Bakton Hill,
Kunnukuzhy, Trivandrum.
4. Babu Thomas,
S/o late N.T. Thomas,
Postal Assistant, Kumbanad,
Residing at: Naluparayil Nibuvilla,
Kumbanad.
5. K.N. Vijayakumaran Nair,
S/o late Nanu Pillai,
Senior Telephone Operating Assistant,
O/o General Manager, Telecom, Tiruvalla,
Residing at: Kaluvathra House,
Thalavady PO.

... Applicants

By Advocate Mr. T.C. Govindaswamy

Vs.

1. Union of India represented by
The Secretary to the Government of India,
Ministry of Defence, New Delhi.
2. The Secretary to the Government of India,
Ministry of Finance, New Delhi.
3. The Controller of Defence Accounts
(Pension), Allahabad.
4. The Defence Pension Disbursing Officer,
Pathanamthitta.

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5. The Defence Pension Disbursing Officer,
Kottayam. .. Respondents

By Advocate Mr. S.K. Balachandran, ACGSC

The application having been heard on 28-2-2000,
the Tribunal on the same day delivered the
following:

O R D E R

Applicants seek to declare that the action of respondents in effecting recovery from their Defence Pension in the name of alleged payment of relief on pension after re-employment is arbitrary, without jurisdiction and unconstitutional, and to direct the respondents to refund the amount of pension recovered under the pretext of recovery of relief on pension already paid after re-employment with interest at 12% per annum.

2. When the OA was taken up for hearing, learned counsel appearing for the applicants submitted that though in R1 it is stated that:

"Necessary orders in respect of re-employed Defence pensioners and family pensioners will be issued separately by the Ministry of Defence",

no order has been so far issued and it is suffice to permit the applicants to submit a joint representation to the 1st respondent for redressal of their grievance and direct the 1st respondent to dispose of the same within a time frame. Learned counsel appearing for the respondents submitted that there is no objection for adopting such a course.

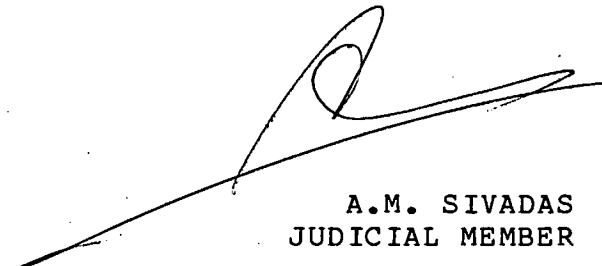
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3. Accordingly, the applicants are permitted to submit a joint representation to the 1st respondent within six weeks from today. If such a representation is received, the 1st respondent shall consider the same and pass appropriate orders thereon within two months from the date of receipt of the representation. The 1st respondent shall communicate the orders passed to the applicants.

4. Accordingly, the Original Application is disposed of. No costs.

Monday, this the 28th day of February, 2000



A.M. SIVADAS
JUDICIAL MEMBER

ak.

List of Annexures referred to:

1. Annexure R1 - True copy of Ministry of PPG&P letter No.45/73/97 P&PW(C) dated 2-7-1999.