

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.No.523/2001

Thursday this the 21st day of June, 2001

CORAM

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN
HON'BLE MR. T.N.T. NAYAR, ADMINISTRATIVE MEMBER

Applicants:

1. Susan George, W/o George Thomas,
Staff Code No.26633,
Office Clerk B, Establishment,
VSSC, Thiruvananthapuram.22.
2. Martha A.M. W/o P.P.Ittoop,
Staff Code No.23715,
Office Clerk A, VSSC,
Thiruvananthapuram.22.
3. Leela Francis, D/o Antony Fernandez,
Staff Code No.23283, Safaiwala,
VSSC, Thiruvananthapuram.
4. Leelamma Unnikrishnan,
W/o Unnikrishnan, Staf Code No.23260,
Attendant B, VSSC,
Thiruvananthapuram.22. (By Advocate Mr.
Vishnu S.Chempazhanthiyil)

V.

Respondents:

1. Senior Administrative Officer,
Establishment, VSSC, ISRO PO,
Thiruvananthapuram.
2. Head^o, Personnel & Central Administration,
VSSC, ISRO PO, Thiruvananthapuram.
3. Secretary, Department of Space,
Government of India,
Bangalore.
4. Union of India, represented by
its Secretary, Ministry of Personnel
Public Grievances and Pension,
New Delhi.

(By Advocate: None)

The application having been heard on 21.6.2001, the
Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN

Applicants 1 to 4 are employed but recipients of family pension. When relief on family pension was denied to them on the ground that they are employed, they filed OA 499/94 jointly. The said OA alongwith a batch of similar cases was disposed of by order dated 1.8.94 with the following directions:

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"The Supreme Court has not made any declaration of law contrary to the law laid down by the different Benches of this Tribunal. We, therefore, follow the precedents and allow the applications and, direct respondents or such competent authority, to grant relief on family pension including arrears, to applicants within three months from today. In the event of the Supreme Court declaring the law to the contra, applicants will repay the amounts received by them. Parties will suffer their costs."

2. Applicants in this case were given arrears of relief on family pension. Since the Supreme Court has declared the law in Union of India Vs. Vasudeva Pillai and others, 1995(2) SCC 32 holding that the denial of relief on family pension to employed persons is perfectly legal and in order, the respondents have issued the impugned orders Annexures.A2 and A3 series requiring the applicants to remit the amount of relief on family pension received by them as the same was paid to them under specific undertaking by them that in the ^{event} ~~it~~ of the Supreme Court declaring law to the contrary they would repay the same. The applicants aggrieved by this have filed this application. They have stated that the Supreme Court has in Review Petition No.1002/93 in Civil Appeal No.1809/93 ~~held~~ that Government of India would sympathetically consider the question of non-realisation of the amount already disbursed to them and that therefore, the respondents have issued the order without application of mind. The applicants therefore seek to have the impugned orders set aside.

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3. We have ^{heard} the learned counsel for the applicants and have persued the impugned orders and other materials placed on record. It is seen that the applicants were paid the relief and arrears of relief on family pension on the basis of the orders in OA 499/94 specifically prescribing that in the event of Supreme Court declaring to the contra they would repay the amount. Now that in Vasudevan Pillai's case (supra) the Supreme Court has declared the law to the contra^{at}, that is holding that the employed family pensioners are not entitled to relief on family pension, the applicants have no option but to refund the amount received by them in terms of the orders of the Tribunal in OA 499/94. The observations of the Supreme Court that the Government would sympathetically consider not to recover the amount paid to the petitioners in the cases before it would not enure to the benefit of the applicants in this case who are bound by the orders to which they are parties. The application, therefore, ^{does not} disclose any cause of action and the same is rejected under Section 19(3) of the Administrative Tribunals Act, 1985.

Dated the 21st day of June, 2001


T.N.T. NAYAR
ADMINISTRATIVE MEMBER

(s)


A.V. HARIDASAN
VICE CHAIRMAN

List of annexures referred to:

Annexure.A2: True copy of Memorandum
No.VSSC/DLS/7.281-95-128 dated
18.2.97 of the second
respondent to the 1st
applicant.

Annexure.A2(a): True copy of Memorandum
No.VSSC/DLS/7.281/95/266 dt. 4.7.1996 of
the 2nd respondent to the 2nd applicant.

Annexure.A2(b): True copy of Memorandum
No.VSSC/DLS/7.-281/95-140 dated 18.2.97
of the 2nd respondent to the third
applicant.

Annexure.A2(c): True copy of memorandum
Noi.VSSC/DLS/7.281/95/147 dated 18.2.1997
of the 2nd respondent to the 4th
applicant.

AnnexureA3: True copy of memorandum
No.VSSC/EST/E-Pen/DA-EP/2001 dated 26.2.2001
of the 1st respondent to the 1st applicant.

Annexure.A3(a): True copy of memorandum
No.VSSC/EST/E-PEN/DA-FP/2001 dt.
26.2.2001 of the 1st respondent to the
2nd applicant.

Annexure.A3(b): True copy of memorandum
No.VSSC/EST/E-PEN/DA-FP/2001 dt.
26.2.2001 of the 1st respondent to the
third applicant.

Annexure.A3(c): True copy of Memorandum
No.VSSC/EST/E-PEN/DA-FP/2001 dated
26.2.2001 of the 1st respondent to the
4th applicant.

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