

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O. A. No. 527/93
XXXXXX

109

DATE OF DECISION 12-4-1993

K K Dakshayani Amma

Applicant (s)

M/s MR Rajendran Nair

Advocate for the Applicant (s)

Versus

Union of India rep. by

Secretary to Govt. of India, Respondent (s)

Ministry of Finance,

New Delhi and others.

Mr K V Raju, ACGSC

Advocate for the Respondent (s)

CORAM :

The Hon'ble Mr. N Dharmadan, Judicial Member

and

The Hon'ble Mr. R Rangarajan, Administrative Member

1. Whether Reporters of local papers may be allowed to see the Judgement? *Y*
2. To be referred to the Reporter or not? *Lo*
3. Whether their Lordships wish to see the fair copy of the Judgement? *AO*
4. To be circulated to all Benches of the Tribunal? *Lo*

JUDGEMENT

Shri N Dharmadan, J.M

The applicant is a widow of a former Ex-serviceman,

Late Shri Balakrishnan Nair, ^{she} aggrieved by the denial of relief on family pension on the ground ^{that} _{she} is re-employed.

When the case came up for admission on 29.3.93, learned counsel for the applicant submitted that this case is covered by the decision of the Tribunal rendered in TAK 404/87 and OA 719/92 and this case be disposed of following these judgments.

2 Learned counsel for the respondents wanted some time to get instructions. Accordingly, we posted the case ~~on~~ for to-day so as to enable the respondents to file a

statement on the question of admission. To-day it is submitted that the case may be disposed of in the lines suggested by the learned counsel for the applicant.

3 After hearing the counsel on both sides, we are satisfied that the case is squarely covered by the judgment of this Tribunal rendered in OA 719/92, ^{which was 6} followed by another judgment rendered in OA 682/92, a copy of which is produced before us for perusal.

4 Accordingly, we follow ⁴ the judgment in OA 719/92 which ^{was 4} followed in the recent case OA 682/92. Having regard to the facts and circumstances of the case, we declare that the applicant is entitled to the relief on family pension notwithstanding the fact that the applicant is employed on compassionate ground. We direct the respondents to disburse to the applicant the relief on family pension due to her with all consequential benefits.

5 The application is allowed as above. There will be no order as to costs.


(R Rangarajan)
Administrative Member


(N Dharmadhan)
Judicial Member M. 4.93

12-4-1993