

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

Common Order in O.A.Nos. 623, 25, 26, 52,  
103, 180, 208, 214, 87 and 300 of 2000.

Thursday this the 30th day of November, 2000.

CORAM:

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

O.A. 623/2000:

M.A. Antony (TS/2722)  
Mittathulli Madathil,  
P.O. Cheranellur, Cochin-34. Applicant.

(By Advocate Shri M. Rajagopalan)

Vs.

1. Union of India represented by  
the Secretary, Ministry of  
Defence, New Delhi.
2. Chief Controller of Defence Accounts  
(Pension), Allahabad.
3. Defence Pension Disbursing Officer,  
Ernakulam, Perumanoor,  
Cochin-15. Respondents

(By Advocate Shri T.A. Unnikrishnan, ACGSC)

O.A.25/2000:

1. Padmini Muraleedharan (PS/314/EKM)  
Store Keeper. Cochin Naval Base,  
Cochin-4.
2. K.K. Pankajakshy (PS/750/EKM)  
Unskilled Labourer. "
3. A.Menaka(PS/399/EKM),  
Sweeper "
4. L.Sujatha (PS/2662/EKM)  
Unskilled Labourer "
5. K.Parvathy(PS/242/EKM)  
Store Keeper "
6. N.N.Nalini(PS/1352/EKM)  
Safaivala "
7. Lilly Francis(PS/349/EKM), LDC "
8. L.Lakshmi Kutty(TS/4938/EKM), UDC "
9. Ramla Beevi(TS/14002/Kayamkulam)  
Unskilled Labourer "

10. N.Janamma(TS/9992/EKM), LDC,  
Office of the Asst. Commissioner of  
Central Excise, Kottayam.
11. A.K.Rajamma(TS/9892), Office of the Asst.  
Commissioner of Central  
Excise, Cochin - 18.
12. M.R.Radhamma(TS/6729/KTM), LDC "
13. Leelamma Scaria(TS/2373/KTM),  
Sepoy " -Applicants

(By Advocate Shri M. Rajagopalan)

Vs.

1. Union of India represented by  
the Secretary,  
Ministry of Defence, New Delhi.
2. Chief Controller of Defence Accounts  
(Pension), Allahabad.
3. Defence Pension Disbursing Officer,  
Ernakulam.
4. Defence Pension Disbursing Officer,  
Quilon.
5. Defence Pension Disbursing Officer,  
Kottayam. Respondents

(By Advocate Shri M.R. Suresh, ACGSC)

O.A. 26/2000:

1. Janaky(PS/2158/EKM) Office of the Asst.  
Senior Auditor Controller of Accounts  
(Navy), Cochin -4.
2. S.Radha(PS/189/EKM) "  
Auditor
3. Soosi Philipose (PS/2225/EKM) "  
Class-4.
4. Shoba Mohan(PS/2279/EKM) "  
Auditor
5. Sobha Viswanathan(PS/1641/KTM) "  
Auditor
6. T.S.Lalithambika  
(SB A/C No.7991), Auditor " - Applicants

(By Advocate Shri M. Rajagopalan)

Vs.

1. Union of India represented by  
the Secretary, Ministry of  
Defence, New Delhi.

2. Chief Controller of Defence Accounts (Pension), Allahabad.
  3. Defence Pension Disbursing Officer, Ernakulam.
  4. Defence Pension Disbursing Officer, Kottayam.
  5. The Manager, State Bank of Travancore, Perumanoor, Ernakulam.
- Respondents

(By Advocate Ms. S. Chitra, ACGSC (R.1-4))

O.A. 52/2000:

1. Leelamma Joseph(12973/EKM) Safaiwala I.N.S. Garuda Cochin Naval Base
2. P.A. Rajamma(PS/201/EKM) Safaiwala "
3. Bhavani Velayudhan(PS/264/EKM) Safaiwala, Padathuparambil House, Punnarimangalam, Ernakulam "
4. Bhanumathy(PS/265/EKM) Kalazhath House, P.O.Pachalam Cochin-12. (Retired as Safaiwala from INS Garuda).
5. Thankamma Paul(TS/5925/EKM), Admin- Assistant Naval Physical Oceanographic Laboratory Kakkanad
6. P.N.Vimala(PS/1782/EKM) Tradesman, (Technician) "
7. B.Vijayamma(TS/1786/EKM) Office Assistant "
8. K.K.Gouri(PS/2122/EKM) Tradesman (Technician) "
9. K.P.Umadevi(PS/324/TCR) Office assistant. " -Applicants

(By Advocate Shri M. Rajagopalan)

Vs.

1. Union of India represented by the Secretary, Ministry of Defence, New Delhi.
2. Chief Controller of Defence Accounts (Pension), Allahabad.
3. Defence Pension Disbursing Officer, Ernakulam.

4. Defence Pension Disbursing Officer, Trichur. Respondents

(By Advocate Shri. R. Prasanth Kumar, ACGSC)

O.A. 87/2000:

1. Prasannakumari Nair, LDC, (Acc No.107352)  
W/o Late LT.K.K.V.Nair,  
Headquarters, Southern Naval Command,  
Cochin.
2. Sudhamani - P(Acc No:107092)  
LDC, INS Venduruthy,  
Cochin Naval Base. Applicants

(By Advocate Shri M. Rajagopalan)

Vs.

1. Union of India represented by  
the Secretary, Ministry of  
Defence, New Delhi.
2. Chief Controller of Defence  
Accounts (Pension), Allahabad.
3. Branch Manager,  
State Bank of Travancore,  
Shipyard Branch,  
Perumanoor, Cochin-15. Respondents

(By Advocate Shri T.A. Unnikrishnan, ACGSC(R. 1&2))

O.A. 214/2000:

1. Deenamma Xavier(PS/840/EKM)  
Puthanpurakkal House,  
P.O.Palluruthy, Ernakulam.  
(Retired LDC from N.S.D.-  
Cochin Naval Base).
2. Eacharan Appu Omana(TS/21651/TCR)  
Mazdoor, Military Engineering  
Service, Cochin. Applicants

(By Advocate Shri M. Rajagopalan)

Vs.

1. Union of India represented by  
the Secretary, Ministry of  
Defence, New Delhi.
2. Chief Controller of Defence  
Accounts (Pension), Allahabad.
3. Defence Pension Disbursing Officer,  
Ernakulam, Perumanoor, Cochin-15.
4. Defence Pension Disbursing Officer,  
Chembukkavu, Trichur-20. Respondents

(By Advocate Shri K.R. Raj Kumar, ACGSC)

O.A. 103/2000:

1. V.M.Purushothaman (TS/26290/MAV),  
Peon, Defence Pension Disbursing Office,  
Kottayam.
2. Kesavan Prasannan (TS/25748/MAV),  
Senior Accountant,  
Accountant General's Office,  
Trivandrum.
3. A. Thankan (TS/9788 MAV),  
Senior Accountant,  
Accountant General's Office,  
Trivandrum.
4. Podiyan Mathew (TS/41239 TVM)  
Senior Auditor,  
Accountant General's Office,  
Trivandrum.
5. E.P.Poulose (TS/10216/PTA),  
Group D.,  
Accountant Generals Office,  
Trivandrum.
6. M.K. Paul (TS/9514 EKM),  
Senior Auditor, Defence Pension Disbursing Office,  
Ernakulam.
7. K.A. Sebastian (TS/9419/ EKM),  
Record Clerk, Defence Pension Disbursing Office,  
Ernakulam.
8. P.A. Baby (TS/5773/MVP),  
Technician, Doordarshan,  
Thodupuzha.
9. K.M. Mathew Jose (TS/4611),  
Electrical Fitter, Southern Railway,  
Ernakulam.

Applicants

By Advocate Mr M. Rajagopalan.

Vs.

1. Union of India represented by  
the Secretary, Ministry of Defence,  
New Delhi.
2. Chief Controller of Defence Accounts (Pension),  
Allahabad.
3. Defence Pension Disbursing Officer, Kottayam.
4. Defence Pension Disbursing Officer, Trivandrum.
5. Defence Pension Disbursing Officer, Pathanamthitta.
6. Defence Pension Disbursing officer, Ernakulam.

Respondents

By Advocate Ms P. Vani, Addl.CGSC.

O.A. No.180/2000:

1. V. Velayudhan (TS/10654/EKM),  
Technician. Naval Physical Oceanographic,  
Laboratory, Kakkanad,  
DT Ernakulam.
2. T.J. Jose (TS/3596/EKM),  
Senior Technical Assistant. -do-
3. Joy Chummar (TS/4388/EKM),  
Technical Officer. -do-
4. V.N. Viswanathan Nair (TS/5973/EKM),  
Technical Officer. -do-
5. N.M. Mathew (TS/3470/EKM),  
Technical Officer. -do-
6. Planthottathil Chacko Poullose (TS/4796/EKM),  
Technical Assistant. -do-
7. K.E. Alexander (TS/1158/EKM).  
Technical Officer. -do-
8. K.K. Sukumara Pillai (TS/5459/KAY),  
Technical Assistant. -do-
9. P.G. Samuel (TS/7027/TVA),  
Technical Officer. -do-
10. M.J. Davis (TS/14849/TCR),  
Technical Officer. -do-
11. Sivaraman-M (SB AC/40021),  
Technical Assistant. -do-
12. G. Gopinathan Nair (TS/3895/EKM),  
Kizhakkakara, Muvattupuzha,  
Ernakulam (Retired Technical Assistant  
from NPOL).
13. R. Sudhakaran (TS/1045/QLN),  
Sunil Nivas, Konthuruthy, Ernakulam,  
(Retired Technical Assistant  
from NPOL).

Applicants

By Advocate Mr M. Rajagopalan.

Vs.

1. Union of India represented by the Secretary,  
Ministry of Defence,  
New Delhi.
2. Chief Controller of Defence Accounts (Pension),  
Allahabad.
3. Defence Pension Disbursing Officer, Ernakulam,  
Perumanoor, Cochin-15.
4. Defence Pension Disbursing Officer, Kollam,  
Bldg. No.72/25, Kollam -691 010,  
Palayathode.
5. Defence Pension Disbursing Officer,  
Pathanamthitta, Changail Building,  
College Road, Pathanamthitta -689 645.

6. Defence Pension Disbursing Officer,  
Chembukavu, Trichur -20.
7. Manager, State Bank of Travancore,  
Badagara, DT Kozhikode.

Respondents

By Advocate Mr N. Anil Kumar for Respondents 1-6

O.A. 208/2000

1. Muthuthodiyil Narayanankutty (TS/4909/EKM),  
Stores Superintendent. Naval Physical Oceanographic  
Laboratory, Kakkanad,  
Cochin -2
2. A. Sreedharan Pillai,  
TS/17048/Mavelikkara),  
Driver. -do-
3. E.C. Rajan (TS/20574/KKM),  
Technical Officer-B. -do-
4. S. Sebastian (TS/16446), Auditor,  
Office of the Assistant Accounts Officer,  
B.S.O. Willington, Tamil Nadu.
5. K.I. Kochukunju (TS/3373/EKM),  
Electrical Supervisor,  
Central Institute of Fisheries-  
Nautical and Engineering Training,  
Vizaghapattanam.

Applicants

By Advocate Mr M. Rajagopalan.

Vs.

1. Union of India rep. by the Secretary,  
Ministry of Defence, New Delhi.
2. Chief Controller of Defence Accounts (Pension),  
Allahabad.
3. Defence Pension Disbursing Officer,  
Ernakulam, Perumanoor, Cochin -15.
4. Defence Pension Disbursing Officer,  
Kottayam, Kottayam -2.
5. Defence Pension Disbursing Officer,  
Trichur, Chembukavu -20.

Respondents

By Advocate Mr T.A. Unnikrishnan, Addl.CGSC.

O.A. No.300/2000

1. V. Parameswaran Nair (TS/3775/EKM),  
Peon, Naval Stores Depot,  
Cochin Naval Base, Cochin -4.

2. Madhavan Nair P.K. (TS/10955/EKM),  
Assistant Store Keeper,  
Naval Stores Depot,  
Cochin Naval Base, Cochin-4.
3. Krishna Rajan (TS/2909/EKM),  
XXVI/925, Raja Nivas, Thevara,  
Kochi -13 (Retired Senior Auditor,  
Accountant General's Office, Trivandrum).

Thayile Veluthakunju Suvikramadas (A/C No.D-60),  
Technical Assistant,  
Naval Physical Oceanographic Laboratory,  
Kakkanad, Kochi-21, DT Ernakulam.

Applicants

By Advocate M. Rajagopalan.

Vs.

1. Union of India rep. by the Secretary,  
Ministry of Defence, New Delhi.
2. Chief Controller of Defence Accounts (Pension),  
Allahabad.
3. Defence Pension Disbursing Officer,  
Ernakulam, Perumanoor, Cochin-15.
4. Manager, State Bank of Travancore,  
Karunagappally, Kollam.

Respondents

By Advocate Mr. N. Anil Kumar, ACGSC (for R: 1-3)

The applications having been heard on 30.11.2000, the Tribunal on the same day delivered the following:

#### O R D E R

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

In all these O.As. the reliefs sought are identical. The reliefs sought are that to direct the respondents not to recover the dearness relief of family pension already paid to the applicants and to declare that the respondents are not justified in recovering the pension relief paid to them.

2. When the O.As. were taken up, the learned counsel appearing for the respondents submitted that in the light of the order of the Apex Court in Review Petition No.1002/95 in C.A.No.1809/93, the matter will be considered by the respondents and a decision will be taken positively within six months and till then no recovery will be effected.



3. The submission of the learned counsel for the respondents seems to be reasonable.

4. Accordingly, respondents are directed to take a decision in the light of the order of the Apex Court in Review Petition No.1002/95 in C.A.No.1809/93 within a period of six months from the date of receipt of a copy of this order and not to effect any recovery until the decision is taken.

5. O.As. are disposed of as above. No costs.

Dated the 30th November, 2000.

Sd/-  
(A.M.SIVADAS)  
(JUDICIAL MEMBER)

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