

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.115/2008

Friday this the 29 th day of February, 2008.

CORAM:

**HON'BLE MRS. SATHI NAIR, VICE CHAIRMAN
HON'BLE Dr.K.B.S.RAJAN, JUDICIAL MEMBER**

Bharathy Amma,
W/o Late Balakrishna Pillai,
No.1396751 Sep (Ram/Sapper),
K.P.Mandiram, Malakkadu,
Kottukkal P.O., Anchal, Kollam. Applicant

(By Advocate Shri M.S. Radhakrishnan Nair)

Vs.

1. Union of India represented by
Secretary to Government,
Ministry of Defence, New Delhi.
2. Major,
Senior Record Officer,
Abilekh Karyalaya Record Office,
Madras Engineer Group,
Pin-900493, C/o 56/HPO.
3. Section Superintendent,
Abilekh Karyalaya, Record Office,
Madras Engineer Group, Post Box No.4201,
Bangalore – 560042.
4. Zilla Sainik Welfare Officer,
Zilla Sainik Welfare Office,
Civil Station, Kollam.
5. Pension Disbursing Officer,
Defence Pension Disbursing Office,
Polaythodu, Kollam. Respondents

(By Advocate Shri TPM Ibrahim Khan, SCGSC)

The application having been heard on 29 th February, 2008
the Tribunal on the same day delivered the following:

ORDER

HON'BLE MRS. SATHI NAIR, VICE CHAIRMAN

The applicant is the wife of late Shri Balakrishna Pillai ,who was working as
Ram/Sapper under the 3rd respondent. He died on 19.11.2003. It is stated in the O.A.

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that the applicant has submitted an application for family pension with necessary documents to the 1st respondent (Ministry of Defence), which was returned stating that the same should be sent through the 3rd respondent. Again he approached the 3rd respondent, the Record Office, Bangalore who has advised by letter dated 22.11.2004 that, as per the policy, the application should be forwarded through the concerned Zilla Sainik Welfare Office/Department of Ex-servicemen's Welfare Office.

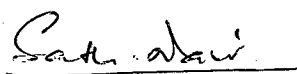
2. When the O.A. was filed, the Registry has raised an objection that this application is not maintainable under Section 2 of the A.T. Act, 1985.

3. When the matter came up before the Bench, learned counsel for applicant contended that the O.A. comes within the jurisdiction of the Central Administrative Tribunal in view of the definition given under Section 3 (p) and (q) of the A.T. Act, 1985.

4. We have considered the submissions made by the applicant. The above mentioned Sub section only relates to definition of "Service matters". It is clearly provided in Section (2) of the Act that, the provisions of the Act do not apply to the members of the Naval, Military and Air Forces or of any other armed forces of the Union, etc. The applicant being a member of the Armed Force, this O.A. is not maintainable under Administrative Tribunals' Act, 1985 and the same is dismissed.

Dated the 29 th February 2008.


Dr.K.B.S.RAJAN
JUDICIAL MEMBER


SATHI NAIR
VICE CHAIRMAN

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