

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.Nos. 1644/93, 1686/93, 2052/93, 2139/93, 2158/93
 2216/93, 2289/93, 2326/93, 34/94,
 121/94, 122/94, 128/94, 141/94, 194/94, 283/94
 292/94, 335/94, 377/94, 398/94, 403/94, 451/94
 499/94, 509/94, 521/94, 635/94, 828/94.

MONDAY THIS THE 1ST DAY OF AUGUST, 1994.

CORAM

HON'BLE MR.JUSTICE CHETTUR SANKARAN NAIR, VICE CHAIRMAN

HON'BLE MR.P.V.VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

O.A.1644/93

A.K.Jameela, Mailman, Head Record Office,
 RMS 'EK' Division, Cochin-16. ... Applicant

(By Advocate Mr. T.A.Rajan)

Vs.

1. Union of India represented by
 Secretary, Ministry of Communications
 New Delhi.
2. The Senior Superintendent,
 RMS 'EK' Division, Ernakulam.
3. The Director of Accounts (P)
 Kerala Circle, Trivandrum.
4. The Post Master
 Cochin Head Post Office. ... Respondents

(By Advocate Mr. Mathew G. Vadakkal, ACGSC)

O.A.1686/93

Aleyamma Poulose,
 Group 'D' Telephone Trunk Exchange,
 Ernakulam - Kumbalathuparambil,
 Kochi.1. ... Applicant

(By Advocate Mr. M.R.Rajendran Nair)

Vs.

1. Union of India represented by
 Secretary to Government
 Ministry of Communications,
 Department of Telecom, New Delhi.
2. The Chief General Manager,
 Telecom, Kerala Circle,
 Trivandrum.
3. The General Manager, Telecom, Ernakulam..... Respondents

(By Advocate Mr. K.Karthikeya Panicker)

O.A.2052/93

1. P.K. Mary Kutty (TS/849/KTM)
 Group D in South Post Office,
 Kottayam.

....2

2. Mrs. Prasanna Kumari (TS/1094(R)
Group 'D' in Calicut Civil Station
Head Post Office.
3. A.K.Kunhilakshmi Amma (SB A/c No.PD-21)
Safaiwala in Station HQ, Kannur.
4. A.PadmaVathy Amma (SBA/C No.C.117)
Tax Assistant in Central Excise HQ
Cochin.
5. M.S.Nirmala (SB A/ c No.PL/774)
Clerk-Typist in the Office of the
Accountant General's.Trichur. Applicants

(By Advocate Mr. M. Rajagopalan)

Vs.

1. Union of India represented by
the Secretary, Ministry of Defence, New Delhi.
2. Controller of Defence Accounts,
(Pension) Allahabad.
3. Accountant General of Kerala,
Trivandrum.
4. Defence Pension Disbursing Officer
Kottayam.
5. Sub Treasury Officer, Balluserry
Kozhikode.
6. Branch Manager, State Bank of India
East Hill Branch, Calicut.5.
7. Branch Manager, State Bank of
Travancore, Parappanagadi, Malappuram.
8. Branch Manager, State Bank of
Indian, Shornur, Palakkad. Respondents

(By Advocate Mr. S.Krishnamoorthy for R.1to4)

O.A.2139/93

Aleyamma Oommen,
'Binview', 35/1311, St.Martin Church Road,
Palarivattom, Kochi.25. Applicant

(By Advocate Mr. M.R.Rajendran Nair)

Vs.

1. The Administrator, UT of Lakshadweep,
Kavarathi.
2. State Bank of Travancore, represented
by Manager, Palarivattom.
3. Union of India, represented by
Secretary to Government, Ministry
of Home Affairs, New Delhi. Respondents

(By Advocate Mr.MVS Namboodiri for R.1&3
None for R.2

O.A.2158/93

1. O.R.Thanka (TS/10208/MVP)
Tharavattathil House, South
Maravdu, Ernakulam.
2. M.I.Eliamma, Mukkadakkal House
PO Irimbanam, Ernakulam.
3. K.Parvathy, Thevarammukkath House
House No.XXII/1051, Thevara, Cobin.13. 3

-: 3 :-

4. K.V. Sarada, Perumpallithara, PO Perumanoor, Cochin.15.
5. Ammini George (TS/28862/TVA) Qr. No.B/147 VSSC Housing Colony, Trivandrum.
6. M.K. Santhamma (TS/45463/Tvm) RPP Stores, VSSC Thumba Or.No.B/136, Trivandrum.

.... Applicants

(By Advocate Mr. M.Rajagopalan)

Vs.

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

.... Respondents

(By Advocate Mr.C.Kochunni Nair, Sr.CGSC)

O.A.2216/93

Sarada S.Nair, 29/810 C
Geethanjali, Near State Bank Colony,
Mavoor Road, Kuthiravattom, Calicut.

... Applicant

(By Advocate Mr. MR Rajendran Nair)

Vs.

1. Union of India represented by Secretary to Government, Ministry of Finance, New Delhi.
2. The Pay Accounts Officer, Central Pay Accounts Office, New Delhi.
3. State Bank of India, rep. by its Manager, Calicut.

... Respondents

(By Advocate Mr.C.Kochunni Nair, SCGSC)
for R.1&2

O.A.2289/93

1. Moly Varghese (SB A/c No.1634)
UDC in NAY Cochin Naval Base.
2. Annie Mathews, Clerk-Typist
in Office of Accountant General
Trivandrum.
3. Elsy Antony (TS/265)
Postal Clerk in Head
Post Office, Muvattupuzha.
4. P.Valsala (Ps/429)
LDC in Pay Accounts DSC Kannur.

.....4

-: 4 :-

5. V.C.Subhadra (SB A/c No.894)
LDC in Pay Accounts, DSC, Kannur.
6. M.Susheela, Worker in PWDOffice
Chembukkavu, Trichur. Applicants

(By Advocate Mr. M.Rajagopalan)

Vs.

1. Union of India represented by the Secretary, Ministry of Defence, New Delhi.
2. Controller of Defence Accounts, (Pension), Allahabad.
3. Branch Manager, State Bank of Travancore, Thoppumpady, Cochin.
4. Branch Manager, Syndicate Bank, Trivandrum.
5. Sub Treasury Officer, Mattancherry Ernakulam.
6. Sub Treasury Officer, Kozhikode.
7. Branch Manager, Syndicate Bank, Contonment, Trichur.
8. Post Master, Trichur.
9. Deputy Director of Accounts (Postal), Trivandrum. Respondents

O.A.No.2326/93

1. M.P.Indira, SB A/c No.7606/19
LDC in Naval Armament Dept. Alwaye.
2. Smt. C.H.Pathumma (PS-130)
Labourer in NAD Alwaye.
3. V.N.Santhamma (SB A/c No.7058)
Ward Sahaika in INS Sanjivini,
Cochin Naval Base.
4. Smt. Mary Varghese (SB A/C No.5143)
Ward Sahaika in INHS Sanjivini,
Cochin. Applicants

(By Advocate Mr. M.Rajagopalan)

Vs.

1. Union of India represented by the Secretary, Ministry of Defence New Delhi.
2. Controller of Defence Accounts (Pension), Allahabad.
3. Branch Manager, Canara Bank, Alwaye.
4. Treasury Officer, Malappuram.
5. Branch Manager, SBI, Cochin Shipyard.
6. Branch Manager, Union Bank of India Thevara, Cochin.

(By Advocate Mr. K.Karthikeya Panicker for R.1&2)

O.A.34/94

Smt. Lizamma Thomas, Lower Division Clerk,
Light House and Light Ships,
Deep Bhavan, Kochi.20. Applicant

(By Advocate Mr. E.D.Racheal/Rajkumar)

Vs.

1. Union of India, rep. by the Secretary, Ministry of Surface Transport, Ramakrishnapuram, New Delhi-110066.
2. Director, Deptt. of Light Houses Light Ships, Deep Bhavan, Gandhi Nagar, Kadavanthara.Cochin.20
2. Pay & Accounts Officer, East Block No.17 Deptt. of Light Houses & Light Ships, R.K.Puram, New Delhi.
4. Accountant General, Kerala, Trivandrum. ... Respondents

(By Advocate Mr. CN Radhakrishnan for R.1to3)

O.A.121/94

1. N.Indira Devi
Head Clerk, Incometax Office,
Salary Circle, Div.II, CR Buildings,
Ernakulam.
2. M.K.Omana Ammal, L.D.C.
Office of the Deputy Commissioner
of Income-Tax, Assessment,
Special Range, CR Building, Ernakulam..... Applicants

(By Advocate Mr. K.M.V. Pandalai)

Vs.

1. Union of India, rep. by the Secretary Ministry of Finance,
New Delhi.
2. The Commissioner of Income-Tax
Cochin, CR Building, Ernakulam.
3. The Accountant General (A&E)
Trivandrum
4. The Zonal Accounts Officer,
Central Board of Direct Taxes
Ernakulam.
5. The Manager, Canara Bank,
Nettippadam Road, Ernakulam.
6. The Sub Treasury Officer,
Ernakulam. Respondents

(By Advocate Mr.Mathew G.Vadakkel, ACGSC for R1to4
None present for R5 & 6.

O.A. 122/94

1. Smt. Flavia Dominic (PS/1286/EKM)
Labourer in NSRY, Cochin Naval Base.
2. Smt. Ammalu Rugmini (TS/40105/TVM)
Messenger in Branch Recruitment
Office, Trivandrum.
3. Smt. K. Sreekumari (PS/2440/Ney)
Messenger in Station Workshop
EME, Trivandrum. Applicants

(By Advocate Mr. M. Rajagopalan)

Vs.

1. Union of India represented by
the Secretary, Ministry of
Defence, New Delhi.
2. Controller of Defence Accounts,
Pension, Allahabad.
3. Defence Pension Disbursing Officer,
Ernakulam.
4. Defence Pension Disbursing Officer,
Trivandrum. Respondents

(By Advocate Mr. C.N. Radhakrishnan, ACGSC)

O.A. No. 128/94

1. C.M. Vijayalakshmi TS No. 5590
Branch Post Mistress,
Pathaikkara, Manjeri Division.
2. M.P. Ratnavathy, TS No. 3512,
Group 'D', Postal Department,
Downhill, Manjeri Division. Applicants

(By Advocate Mr. P. Santhoshkumar)

Vs.

1. Union of India represented by
the Secretary, Ministry of Finance,
New Delhi.
2. The Controller of Defence Accounts
(Pension), Allahabad.
3. The District Treasury Officer,
Malappuram.
4. The Branch Manager
State Bank of Travancore,
Downhill PO, Manjeri.

(By Advocate Mr. CN Radhakrishnan, for R.1&2)

O.A. No. 141/94

1. Smt. T.K. Parimalam (PS/304/EKM)
Ward Sahaika in INHS Sanjivani,
Naval Base, Cochin.

2. Smt. Eacharan Appu Omana (TS/2165/TCR)
Mazdoor in M.E.S.Cochin Naval Base.
3. A.Karthiayani(CR-268/75-76)
Peon, Office of the Asstt.Commissioner
of Income-Tax,Trichur.
4. Smt. Mary Devassy (SB A/C No.2424)
Group 'D' in Office of the
Commissioner of Income Tax,Trichur.
5. Smt. Vilasini (SB A/c No.2840)
Khalasi in Railway Station,Cochin
Harbour Terminus, Cochin. Applicants

(By Advocate Mr.M.Rajagopalan and Mr.Rajit)

Vs.

1. Union of India represented by
the Secretary, Ministry of
Defence, New Delhi.
2. Controller of Defence Accounts
(Pension) Allahabad.
3. Defence Pension Disbursing Officer,
Ernakulam.
4. Defence Pension Disbursing Officer,Trichur.
5. District Treasury Officer, Ayyanthole,Trichur.
6. Branch Manager, Central Bank, Kodakara,Trichur.
7. Post Master, Sub-Post Office,
Nayarambalam, Ernakulam.
8. Accountant General, Kerala, Trivandrum.
9. Divisional Personnel Officer
Southern Railway, Trivandrum Divn.Trivandrum,.... Respondents

(By Advocate Mr. Kodoth Sreedharan for R 1to4
None for R.6
Mr.PA Mohammed for R.9

O.A.194/94

1. K.K.Retnamma (TS/11358/EKM)
LD Clerk in INS Venduruthy,Cochin.
2. P.K.Madhavi (PS/27/ALY)
Labourer in N.A.D. Alwaye.
3. Lakshmy Radha (PS/2288/ALP)
Safaiwala in INS Venduruthy,
Naval Base, Cochin.
4. Padmakshy (PS 1654/EKM)
Safaiwala in INS Venduruthy Naval
Base, Cochin.
5. M.Chandramathy (TS/3859/EKM)
U.D.Clerk in INS Venduruthy,
Naval Base, Cochin.
6. K.K.Savithry (PS/3541)
Auditor in Accountant General's
Office, Trichur. Applicants

(By Advocate Mr. M. Rajagopalan)

Vs.

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

.... Respondents

(By Advocate Mr. CN Radhakrishnan)

O.A. No. 283/94

1. K.A. Kunjukutty
Group 'D', Omalloor PO, Charuvu Kalayil, Muttathukonam, PO, Elavanthitta. Applicant

(By Advocate Mr. M.R. Rajendran Nair)

Vs.

1. Union of India, represented by Secretary to Government, Ministry of Communications, New Delhi.
2. Senior Superintendent of post Offices, Pathanamthitta. Respondents

(By Advocate Mr. Kodoth Sreedharan)

O.A. 292/94

1. K.O. Aley (TS/15315/EKM)
U D.C. in INS Garuda Naval Base, Cochin.
2. V. Premakumari (Postal SB A/c No. 967014)
L.D.C. in Office of the Dy. Director of Accounts (Postal), Sasthamangalam. Trivandrum.
3. T. Rajeswari (SB A/c No. CP6)
Sr. Accountant in Office of the Dy. Director of Accounts (Postal) Sasthamangalam, Trivandrum.

(By Advocate Mr. M. Rajagopalan)

Vs.

1. Union of India represented by the Secretary, Ministry of Defence, New Delhi.
2. Controller of Defence Accounts (Pension) Allahabad.
3. Deputy Director of Accounts (Postal) Kerala Circle, Trivandrum.
4. Defence Pension Disbursing Officer, Ernakulam.
5. The Post Master, Thycaud, Trivandrum.
6. Branch Manager, State Bank of Travancore Sasthamangalam Branch.
7. Director of Accounts, Cabinet Secretariat, New Delhi. Respondents

(By Advocate Mr. K. Lakshmi Narayanan, ACGSC for R. 1 to 5. 9

O.A.335/94

1. K. Indira, Telecom Office Assistant, Office of Telecom Dist. Manager, Kollam.
2. B. Vilasini Amma, Peon, Office of the Sub Divisional Officer, Telegraphs, Karunagappally.
3. D. Prabhavathy Amma, Peon, Office of the Sub Divisional Officer, Phones Kollam.
4. Liyoni. B. Peon, Office of the Telecom District Manager, Kollam.
5. Leena Reginold, Regular Mazdoor Office of Telecom District Manager Kollam.
6. P. Laila, Peon, Office of Telecom District Manager, Kollam.
7. C. P. Sobha, Telecom Office Assistant, Office of Telecom District Manager, Kollam.
8. J. Padmavathy Amma, Telecom Office Assistant, Telecom District Manager's Office, Kollam.
9. A. Rehuma Beevi, Regular Mazdoor Office of the Telecom District Manager Kollam.

.... Applicants

(By Advocates M/s V.K.Issac & V.K.Viswambaran)

Vs.

1. Union of India represented by Secretary Department of Telecom, Govt. of India, New Delhi.
2. Chief General Manager, Telecom Kerala Circle, Thiruvananthapuram.
3. Assistant Chief Accounts Officer(TA) O/o Chief General Manager (Telecom) Thiruvananthapuram.
4. Accounts Officer (Cash) Office of Telecom District Manager.
5. Deputy Director, Postal Accounts, Kerala Circle, Thiruvananthapuram.

.... Respondents

(By Advocate Mr. Mathew G. Vadakkel, ACGSC)

O.A.377/94

1. P. Saraswathy Amma, Jr. Technical Assistant CPCRI Regional Station, Kayamkulam.
2. K. Bharati, Supporting Staff Grade I, CPCRI, Regional Station, Kayamkulam.
3. K. Sridevi Amma, Supporting Staff Grade I CPCRI, Regional Station, Kayamkulam.
4. N. Kamalakshi, Supporting Staff Gr.I CPCRI Regional Station, Kayamkulam.

.... 10



-: 12 :-

14. A.Omana Amma, S.C.No.24222, Safaiwala A
G.A.D/P.G.A VSSC, Trivandrum.
15. Smt. K.Indira, Staff Code No.22133,
VSSC, Trivandrum.
16. V.Prabhakumari, Attendant,
PSD/STS, VSSC, Trivandrum.
17. Smt. M.Lalitha, VSSC,
Trivandrum.
18. Susan George, DLS/PGS
Veli Hills, ISRO, Trivandrum..22.
19. B.Radhamony, SC No.25415,
OCB, SPC/PPC Stores, VSSC
Trivandrum.
20. D.Prasanna Kumari, SC No.24585,
Office Clerk 'A' ,MMSAdmn.RFF,
VSSC, Trivandrum. Applicants

(By Advocate Mr. G.Sasidharan Chempazhanthiyil)

vs.

1. Vikram Sarabhai Space Centre, rep. by
its Controller, ISRO Post Office,
Trivandrum.
2. Bhabha Atomic Research Centre,
Bombay.
3. Deputy Secretary, Deptt. of Personnel
and Training, Govt. of India. N.Delhi.
4. Union of India represented by its
Secretary, Deptt. of Space,
New Delhi. Respondents

(By Advocate Mr. C.N.Radhakrishnan)

O.A.509/94

1. Rema Mukundan, Office Clerk 'A'
VSSC, 70 ACRC, Trivandrum.
2. Girija Rajagopla, Office Clerk 'B'
VSSC, 70 Acre Area, Trivandrum.
3. Mary Walduvin, Attendant 'B'
VSSC, Trivandrum.22.
4. P.K.Vasantha Devi, Attendant 'A'
VSSC, Trivandrum.22.
5. K.S.Sarada Devi Amma, Attendant 'A'
V.S.S.C. Trivandrum.22.
6. P. Karpagam, Aero Flight Dynamics
Group, Vikram Sarabhai Space Centre,
Trivandrum.
7. C.Indira, Safaiwala 'A'
V.S.S.C. Trivandrum.22.

.....13



:- 13 :-

8. Smt. Narayani K, Terls, VSSC, ISRO, PO, Trivandrum.
9. Smt. Selvam T. Augumented Satallite Launch Vehicle, Terls, VSSC ISRO PO, Trivandrum.
10. N.Indira, Attendant 'A' Sc No.22143, VSSC, ISRO PO, Trivandrum.
11. G.O.Snehalatha, Safaiwala 'A' V.S.S.C, Trivandrum.22.
12. M.Pattammal, Safaiwala 'A' VSSC, Trivandrum.22.
13. R.S.Sulekha, Attendant 'A' Medical Services, VSSC Trivandrum.22.
14. B.Krishnamma, PGA/Central Despatch Section, VSSC, Trivandrum.22.
15. Omana S.Nair, Office Clerk 'B' ISRO, Trivandrum.22.
16. Melan Mathew, Office Clerk 'A' VSSC, Trivandrum.
17. Ammini Gopalan, General Admve. Secn. VSSC, Trivandrum.22.
18. Gracy Ivin, Attendant 'B' VSSC, Trivandrum.22.
19. M.Sasikala,Amma, Office Clerk 'B' VSSC, Trivandrum.22.
20. T.Anandavally Amma, Office Clerk 'B' S.C.No.20265, ISRO PO, VSSC Trivandrum.

... Applicants

(By Advocate Mr.G.Sasidharan Chempachanthiyil)

Vs.

1. Vikram Sarabhai Space Centre rep. by its Controller, ISRO Post Office, Trivandrum.22.
2. Head, Personnel & Administration, Indian Space Research Organisation, Headquarters, Bangalore.
3. Head, Personnel & Administration, V S.S.C SHAR Sriharikotta, ISRO PO Nellore Dist. Andhra Pradesh.
4. Union of India represented by its Secretary, Department of Space, New Delhi.

.... Respondents

(By Advocate Mr. C.N. Radhakrishnan)

O.A.521/94

Ponnamma Eapen,
Office Clerk 'B', V.S.S.C.
ISRO PO, Trivandrum.22.

... Applicant

(By Advocate Mr. G.Sasidharan Chempazhanthil)

-: 14 :-

Vs.

1. Union of India, represented by its Secretary, Ministry of Defence, New Delhi.
2. Controller of Defence Accounts (Pension) Allahabad
3. Pension Pay Master, Thiruvananthapuram.
4. Vikram Sarabhai Space Centre, I-S.R.O P.O. Trivandrum. 22. represented by its Controller. ... Respondents

(By Advocate Mr. George Joseph, R1to3)

O.A. 635/94

Prasanna Kumari (SB A/c No. 7352)
L.D.C. Naval Stores Depot, Cochin
Naval Base, Cochin.

... Applicant

(By Advocate Mr. M. Rajagopalan)

Vs.

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

(By Advocate Mr. V. Ajith Narayanan for R.1&2)

O.A. 828/94

S. Prasannakumari, Group D (Peon)
Income Tax Office,
Baker Junction, Kottayam.

... Applicant

(By Advocate Mr. KMV Pandalai)

Vs.

1. Union of India rep. by the Secretary, Ministry of Finance, N. Delhi.
2. The Commissioner of Income Tax Aayakar Bhavan, Kawdiar, Trivandrum.
3. The Zonal Accounts Officer, Central Board of Direct Taxes, Ernakulam.
4. The Manager, Canara Bank, Kottayam. Respondents

(By Advocate Mr. V. Ajith Narayanan for R1to3)
No representation for R.4.

CHETTUR SANKARAN NAIR(J), VICE CHAIRMAN:

The contentions raised in these 26 applications are similar, and so are the reliefs sought. Similar reliefs have been granted, in similar applications like, O.A.719/92, 836/93, 1862/93, 106/93 and 336/93 etc. It is said that Special Leave Petitions against some of the orders granting relief have been dismissed, and that Special Leave has been granted in some cases where relief was granted(O.A. 106/93 and 336/93).

2. Decisions of the Supreme Court lay down that grant of Special Leave or refusal of Special Leave will not be affirmation or negation, of the principle of law in a judgment against which leave was granted or refused. If authority is needed for this proposition, it is found in Late Nawab Sir Mir Osman Alikhan vs. Commissioner of Wealth-tax, Hyderabad (AIR 1987 SC 522); Daryao and others vs. State of U.P.-and others (AIR 1961 SC 1457). In the Supreme Court Employees Welfare Association vs. Union of India and others (AIR 1990 SC 334), the Apex Court reaffirmed the position, and pointed out that Article 141 of the Constitution would be attracted, only when a declaration of law is made by the Supreme Court.

3. 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.

Dated the 1st August, 1994.

sd/-
P.V. VENKATAKRISHNAN
ADMINISTRATIVE MEMBER

sd/-
CHETTUR SANKARAN NAIR(J)
VICE CHAIRMAN

njj/2.8

CERTIFIED TRUE COPY
Date 18.8.94.....

Deputy Registrar



Pratap Singh