

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.211/2000

Thursday this the 25th day of January, 2001

CORAM

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

1. Smt.P.Padmavathy UDC,
MES No.109202, CE (Navy)
Kochi.
2. Smt.C.Narayanikutty Amma,
Peon O/o Garrison Engineer,
Fort Kochi, Kochi.1(Dronacharya).
3. Smt.V.Sulochana,
Mazdoor, MES No.109972,
O/o The Garrison Engineer (P)
Fort Kochi, Kochi.1 (Dronacharya)
4. Smt.Yesodha A
LDC, MES No.109947,
O/o the Garrison Engineer (P)
Fort Kochi, Kochi.1 (Dronacharya)
5. Smt.Jain Philip,
Peon O/o the Commander Works
Engineer, MES, Naval Base
Kochi.4.
6. Smt.Anna Antony
Caneman, Barrack Stores Office,
Garrison Engineer, MES
Naval Base PO, Kochi.4.
7. Smt.Maniamma
LDC O/o the Chief Engineer,
Navy, Kochi.
8. Smt.Gowri Antharjanam
LDC O/o the Chief Engineer
Navy, Kochi.
9. Smt.C.K.Rajamma,
Mazdoor, MES No.112617,
B.S.O. Cochin.

...Applicants

(By Advocate Ms. K. Indu)

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

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2. Chief Controller of Defence Accounts (Pension), Allahabad.
3. Defence Pension Disbursing Officer, Ernakulam.
4. Defence Pension Disbursing Officer, Thrissur.
5. Defence Pension Disbursing officer, Quilon.
6. Defence Pension Disbursing Officer, Kozhikode.
7. Defence Pension Disbursing Officer, Kottayam.
8. Defence Pension Disbursing Officer, Thiruvananthapuram.
9. State Bank of Travancore, Chirayinkizhu.

...Respondents

(By Advocate Mr. R. Prasanthkumar for R.1 to 8)

The application having been heard on 25.1.2001, the Tribunal on the same day delivered the following:

O R D E R

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

The applicants who are re-employed family pensioners have filed this application for a direction to the respondents not to recover the Dearness Relief on Family Pension already paid to them declaring that they are entitled to Dearness Relief from the date from which it was due and that no recovery can be effected. They have also prayed for setting aside Clause 3(c) of Annexure.A1 to the extent the benefit of Annexure.A1 is granted prospectively from 18.7.97.

2. Respondents have not filed any reply statement in this case so far. However, when the application came up for hearing Shri Prasanthkumar, counsel appearing for respondents 1 to 8 states that similar applications have been disposed of. He produced a copy of the Order in O.A. 132/2000 rendered on 15.12.2000 for the perusal of the

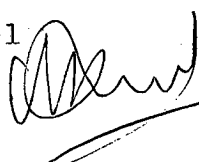
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Bench and submitted that this application may be disposed of following the above judgment in the same fashion. The applicants have no objection in disposing of the application in the said manner.

3. Therefore, as agreed to by the counsel on either side and in view of the Orders in O.A.132/2000 this application is disposed of directing the respondents that till a decision in the matter is taken in the light of the orders of the Hon'ble Supreme Court in Review Petition No.1002/95 in C.A.No.1809/93 and communicated to the applicants, the recovery shall not be made from the pension relief of the applicants. No order as to costs.

Dated the 25th day of January, 2001



A.V. HARIDASAN
VICE CHAIRMAN

s.

List of annexure referred to:

Annexure.A1: True copy of the Order
No.45/73/97-P&PW(G) dated 2.7.99 issued
by the 1st respondent.

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