

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

Dated the 11th October, 1993

CORAM

HON'BLE MR R RANGARAJAN, ADMINISTRATIVE MEMBER

DA 276/93

- 1 CK Dharman
- 2 KR Ravindran Nair

Applicants

Mr PB Sahasranaman

Advocate for
applicants
(Not present)

Vs.

- 1 Union of India rep. by the
Secretary, Ministry of Finance,
Central Secretariat, New Delhi.
 - 2 Controller of Defence Accounts
(Pension), Allahabad.
 - 3 Defence Pension Disbursing Officer,
District Pension Office,
Kadavanthara, Ernakulam.
 - 4 Defence Pension Disbursing Officer,
Alleppey.
 - 5 Defence Pension Disbursing Officer,
Thrissur.
 - 6 Canara Bank, Kaipamangalam,
Kodungallur, Thrissur District.
 - 7 Union of India rep. by Secretary,
Ministry of Defence, New Delhi
- Mr George CP Tharakan, Sr CGSC/
Mr CN Radhakrishnan, ACSC

Respondents

Advocate for
respondents 1-5

JUDGMENT

R RANGARAJAN, A.M

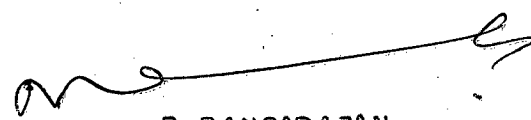
Applicants who are ex-servicemen and re-employed seek a declaration in this O.A. that they are entitled to adhoc and regular relief on the ignorable part of their military pension during the period of their re-employment. They also seek for consequential benefits.

2 Respondents have not filed any reply statement so far. However, I have heard the learned counsel for respondents. None was present for applicants at the time of hearing.

3 At the time of hearing, learned counsel for the respondents fairly submitted that this case can be disposed off even though there is no reply statement, in the light of the decision in TAK 732/87 and DA 1604/92 and connected cases.

4 In this view of the matter, respondents are directed to pay to the applicants, if they are similarly situated as that of applicants in TAK 732/87, DA 1604/92 and connected cases, the relief on pension with-held. Arrears will be remitted to the Provident Fund Account of the applicant and future instalments will be paid as and when they fall due. In the event of the Supreme Court confirming the decision in TAK 732/87, the amount credited to the Provident Fund will be disbursed to them, if they so desire. In case the order in TAK 732/87 is set aside, such amount received contrary to the decision will be repaid by the applicants to the respondents. This direction will be complied with within three months from to-day.

5 Application is allowed as above. No costs.


R. RANGARAJAN
ADMINISTRATIVE MEMBER
11-10-1993