

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Commercial Complex (BDA)
Indiranagar
Bangalore - 560 038

Dated : 3 MAR 1989

APPLICATION NO (x) 1823 /88(F)

W.P. NO (s) _____

Applicant (x) Respondent (s)
Shri G. Vijayadharan Pillai v/s The Secretary, M/o Defence, New Delhi & 2 Ors

To

1. Shri G. Vijayadharan Pillai
No. 102/1, Munichikkenne Camp
Ashwathnagar
H.A.F. Post
Habbal
Bangalore
2. Shri K.N. Maridasan Nambiar
Advocate
7, Rose, Bilepet
Bangalore - 560 053
3. The Secretary
Ministry of Defence
South Block
New Delhi - 110 011
4. The Air Officer Commanding-in-Chief
Headquarters Training Command, IAF
Habbal
Bangalore - 560 006
5. The Officer Commanding
HQrs Training Command (Unit), IAF
Habbal
Bangalore - 560 006
6. Shri M. Vasudeva Rao
Central Govt. Stng Counsel
High Court Building
Bangalore - 560 001

Subject : SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith a copy of ORDER/STRA/INXEMMX ORDER
passed by this Tribunal in the above said application(x) on 27-2-89.

98862
11.11.89
3-3-89
D/C *R. Venkatesh*
DEPUTY REGISTRAR
(TENTATIVE)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BANGALORE.

DATED THIS THE TWENTY SEVENTH DAY OF FEBRUARY 1989

Present: Hon'ble Shri Justice K.S.PUTTASWAMY .. VICE CHAIRMAN

Hon'ble Shri L.H.A.REGO .. MEMBER(A)

APPLICATION NO. 1823/88(F)

G.Vijayadharan Pillai,
No.102/1, Manichikkanna camp,
Ashwathnagar,
H.A.F.Post,
Hebbal, Bangalore.

.. Applicant

(Shri K.N.Haridasan Nambiar .. Advocate)

vs.

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

2. Air Officer Commanding-
in-Chief, Head quarters
Training Command,
I.A.F.Hebbal,
Bangalore 6.

3. The Officer Commanding
HQRS Training command
(Unit) I.A.F.
Hebbal,
Bangalore 6.

.. Respondents

(Shri M.Vasudeva Rao .. Advocate)

This application has come up today before this Tribunal
for Orders. Hon'ble Vice Chairman made the following:

ORDER

This is an application made under Section 19 of the
Administrative Tribunals Act, 1989.

2. Shri G.Vijayadharan Pillai, the applicant before us, is
working as a stenographer in the office of the Officer Commanding,
Hqrs Training Command, IAF, Hebbal, Bangalore. His daughter



Kumari Deepa C.Pillai is studying in a Primary School, Kerala. Under the rules governing the grant of Childrens' Education Allowance (CEA), the applicant claimed payment of that Allowance for his daughter for the academic years 1986, 1987 and 1988 which however has not been granted by the respondents. Hence this application.

3. In resisting this application the respondents have filed their reply and have produced their record.

4. Shri K.N.Haridasan Nambiar, learned counsel for the applicant, contends that his client was entitled to payment of CEA under the rules notwithstanding that his ward was studying in Kerala as held by this Tribunal in A.No.1088 to 1094/86 decided on 13.11.1986 A.P.N.PILLAI AND OTHERS V. UNION OF INDIA AND OTHERS.

5. Shri M. Vasudeva Rao, learned Additional Standing Counsel appearing for respondents sought to support the decision of the authorities.

6. The claim of the applicant is on all fours with that of A.P.N.Pillai and others decided by this Tribunal on 13.11.1986. On this the CEA claimed by the applicant should have been allowed by the respondents without driving him to this Tribunal.

7. We are even surprised at the contest on the ground that Government of India had not accepted the decision of this Tribunal. Any decision rendered by this Tribunal can only be annulled or modified by the Supreme Court only and not by others. When once a decision is rendered by this Tribunal on any point and if the case of another, as in the present case is governed by what is already decided by this Tribunal then the proper course for the

authorities is only to follow the same without unnecessarily driving a civil servant to approach this Tribunal as has happened before. We are distressed on what had been done to the applicant by the respondents. We do hope and trust that they ~~ever~~ will not repeat this.

8. On the foregoing, we hold that the applicant is entitled to succeed.

9. In the light of our above discussion we allow this application and direct the respondents to examine the case of the applicant for payment of CEA in terms of rules and arrange for the payment of the amounts due to him from time to time with expedition in accordance with the rules and orders regulating the same.

10. Application is allowed. But in the circumstances of the case, we direct the parties to bear their own cost.



bk.

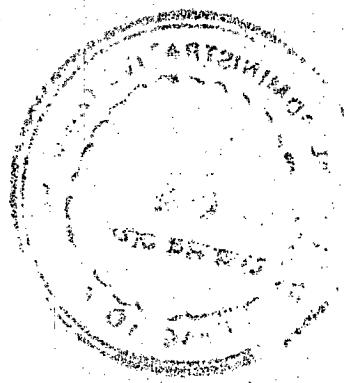
Sd/-
VICE CHAIRMAN

Sd/-
MEMBER (A)

TRUE COPY

R. Venkatesh
DEPUTY REGISTRAR (JDL 3/3)
CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE

Y900 BURT



10/10 ARTENBERG 1993
ANNUAL GOLF CHAMPIONSHIP
ARTENBERG