

**ARMED FORCES TRIBUNAL, REGIONAL BENCH, KOCHI**

O.A.NO.81 OF 2011

WEDNESDAY, THE 14TH DAY OF DECEMBER, 2011/23RD AGRAHAYANA, 1933

CORAM:

HON'BLE MR. JUSTICE A.C.ARUMUGAPERUMAL ADITYAN, MEMBER (J)

HON'BLE LT.GEN.THOMAS MATHEW, PVSM, AVSM, MEMBER (A)

BABY DEVASSIA, AGED 61 YEARS,  
WIDOW OF NO.6347811 EX-CFN LATE DEVASSY P.T. EME  
PAZHAVAGATTU VEEDU, EZHUPUNNA P.O.  
CHERTHALA, AROOR, KERALA STATE ,  
PIN - 688 548.

**APPLICANT:**

BY ADV. SRI. RAMESH C.R.

***versus***

1. UNION OF INDIA, THROUGH THE SECRETARY,  
MINISTRY OF DEFENCE (ARMY), SOUTH BLOCK,  
NEW DELHI – 110 001.

2. THE CHIEF OF ARMY STAFF, DHQ P.O.,  
INTEGRATED HQRS., MINISTRY OF DEFENCE,  
SOUTH BLOCK, NEW DELHI – 110 001.

**RESPONDENTS:**

3. THE PRINCIPAL CONTROLLER OF DEFENCE ACCOUNTS (PENSIONS),  
DRAUPADI GHAT, ALLAHABAD, UTTARPRADESH – 211 014.

4. THE OFFICER IN CHARGE, RECORDS,  
EME RECORDS, SECUNDERABAD,  
ANDHRA PRADESH – 500 021

R1 TO R4 BY SRI. TOJAN J. VATHIKULAM, CENTRAL GOVT. COUNSEL

**ORDER**

**A.C.A. Adityan, Member (J):**

The applicant has come forward with this application claiming dual family pension, one from the re-employer of her husband, viz. Reserve

Bank of India and another from the Army, where her late husband was previously serving. As per the directions of this Tribunal, the learned counsel appearing for the applicant has produced a certificate from the Reserve Bank of India, Thiruvananthapuram dated 9.12.2011 wherein it has been clearly admitted that the re-employer viz. Reserve Bank of India, is governed by the Reserve Bank of India Pension Regulations, 1990. So, it goes without saying that the re-employer is governed neither by the Employees Pension Scheme 1995 nor by the Family Pension Scheme 1971. Under such circumstances, as per G.O. No. 2/CC/B/D(Pension/Services)/2001 dated 28<sup>th</sup> August, 2001 of Government of India, Ministry of Defence, the applicant is not entitled to get family pension from the Army.

2. Under such circumstances, the application, O.A.No.81 of 2011 is not maintainable and hence the same is hereby dismissed, since the learned counsel has not come forward to withdraw the application.

Sd/-  
LT. GEN. THOMAS MATHEW,  
MEMBER (A)

DK.

Sd/-  
JUSTICE A.C.A. ADITYAN,  
MEMBER (J)

(True copy)

Prl. Private Secretary



*O.A. No.81 of 2011*

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ARMED FORCES TRIBUNAL,  
REGIONAL BENCH, KOCHI.

O.A. No.81 of 2011

**ORDER**

DATED: 14.12.2011