

ARMED FORCES TRIBUNAL, REGIONAL BENCH, KOCHI

O.A.NO.127 OF 2010
IA No.196/2010 and IA No.133/2011

THURSDAY, THE 9TH DAY OF FEBRUARY, 2012/20TH MAGHA, 1933

CORAM:

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

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

C. VENUGOPALAN, AGED 70 YEARS, EX.NO.1338777,
SREELAKSHMI, KANIMANGALAM, NENMARA, **APPLICANT:**
PALAKKAD, KERALA.

BY ADV. SRI. SURESH MENON.

versus

1. UNION OF INDIA, REPRESENTED BY ITS
SECRETARY, MINISTRY OF DEFENCE,
SOUTH BLOCK, NEW DELHI.
2. THE CHIEF OF THE ARMY STAFF,
INTEGRATED HEADQUARTERS (ARMY),
SENA BHAVAN, NEW DELHI 110 011.
3. THE O-I-C, RECORDS, RECORD OFFICE,
MADRAS ENGINEER GROUP, PIN – 900 493,
C/O.56 A.P.O.
4. THE COMMANDANT, MADRAS ENGINEERING GROUP AND CENTRE,
BANGALORE.
5. PRINCIPAL CONTROLLER OF DEFENCE ACCOUNTS (PENSIONS),
OFFICE OF THE P.C.D.A.(P), DRAUPADI GHAT, U.P.

RESPONDENTS:

R1 TO R5 BY ADV. SRI. S. KRISHNAMOORTHY, SR. PANEL COUNSEL

ORDER

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

Heard the learned counsel, Sri.V.K.Sathyanathan, who is representing

Sri.Suresh Menon. From the materials placed before us, it is seen that the applicant had already approached the Honourable High Court of Kerala by way of filing W.P.(C) No.9253 of 2005 for pension. The Writ Petition was dismissed. The Writ Appeal No.1938 of 2005 preferred by the applicant was also dismissed. Under such circumstances, this O.A. is hit by the principles of 'res judicata'. The relief regarding pro-rata pension cannot be granted because the same is also hit under Order II, Rule 2 C.P.C.

In fine, the application is dismissed. Connected applications are closed.

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

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

DK.

(True copy)

Prl. Private Secretary

ARMED FORCES TRIBUNAL,
REGIONAL BENCH, KOCHI.

O.A. No.127 of 2010

ORDER

DATED: 09.02.2012