

Uma Devi and Another Vs. the Officer In-charge and Others

Uma Devi and Another Vs. the Officer In-charge and Others

SooperKanoon Citation : sooperkanoon.com/1149885

Court : Armed forces Tribunal AFT Regional Bench Chennai

Decided On : Feb-12-2014

Judge : V. Periya Karuppiah, (Member-Judicial) & the Honourable Mr. Lt. Gen K. Surendra Nath, (Member-Administrative)

Appeal No. : O.A. No. 155 of 2013

Appellant : Uma Devi and Another

Respondent : The Officer In-charge and Others

Advocate for Pet/Ap. : M/s. F.X. Eugene

Judgement :

V. Periya Karuppiah, Member (Judicial):

1. Amendment carried out. Amended copy of Original Application is filed. Both the first applicant and the 5th respondent are present before this Tribunal. The learned counsel Ms. S.Kalaiselvi representing M/s F.X. Eugene and G.Thaveethu, counsel for the applicants and Mr. M.Selvaraj, learned counsel for the 5th respondent submit that the applicants and the 5th respondent are willing to go for a counselling in order to enter into a compromise between them. Accordingly, the first applicant and the 5th respondent entered into a counselling at our chambers in our presence and also in the presence of the learned counsel for the applicants, 5th respondent and learned Senior Panel Counsel along with learned Assistant JAG Officer. At the end of the counselling, they have entered into a compromise

and they filed a joint memorandum in the afternoon, before Tribunal. The Joint Compromise Memorandum has been read over to the first applicant who represents on behalf of 2nd applicant also and the 5th respondent and they have admitted the terms of compromise entered therein. Accordingly, the Joint Compromise Memorandum is recorded.

2. The Original Application has been filed by the applicant for the grant of maintenance out of the pay and allowances of the 5th respondent available with the respondents-1 to 4, 6 and 7. In view of the compromise reached in between the parties (i.e.Applicants and 5th respondent) and the Joint Compromise Memorandum has been recorded, there is no need to pass any order on merit. The first applicant and the 5th respondent have agreed in the Joint Compromise Memorandum, to cohabit at the house of the 5th respondent for the welfare of the second applicant. Therefore, we are obliged to pass orders in terms of the compromise reached between applicants and 5th respondent in the Joint Memorandum of Compromise filed by them. Accordingly, the terminal benefits payable by the respondents- 1 to 4, 6 and 7 to the 5th respondent except the arrears of pay and allowances available with the respondents-1 to 4, 6 and 7 and the remaining pension after commutation if opted, shall be deposited into this Tribunal, in order to invest the said money in the name of the second applicant, the minor son of the first applicant and the 5th respondent till he attains the age of majority. The respondents-1 to 4, 6 and 7 are therefore directed to issue PPO in favour of 5th respondent, within a period of one month from today, except the other retiral benefits, namely, gratuity, encashment of leave salary, commuted pension, Army Group Insurance and Provident Fund savings. The retirement benefits shall also be released within the said period, so as to deposit before this Tribunal for the purpose of depositing in the name of the second applicant in the Fixed Deposit (Re-investment Scheme) in State Bank of India, Sankarankoil Branch.

3. The Original Application is accordingly disposed of in terms of Joint Memorandum of Compromise. The terms of compromise in the Joint Memorandum of Compromise shall form part of this order.