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| <b>Title:</b>                | Dáil Question, with reply, addressed to Minister for Defence Jerry Cronin, regarding the resignation [of Captain James Kelly] from the army. |
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*From Secretary & / before on 13th instant with document marked "Top Secret" on detached*  
 AN ROINN COSANTA  
 GEATA NA PAIRCE  
 BAILE ÁTHA CLIATH 8

13th May 1970.

Deputy Richie Ryan's Question No. \_\_\_\_\_  
 for the meeting of An Dáil on Wednesday, 13th May 1970.

To ask the Minister for Defence if he will say with reference to a former member of the Defence Forces (details supplied) who recently resigned, whether prior to his resignation he was involved in any matter which brought him under the unfavourable notice of his superior officers; whether he was invited or given an opportunity to tender his resignation; whether by resigning he retains his right to pension and gratuity; and, if he came under unfavourable notice, what action was taken by his superior officers.

Deputy Richard Burke's Question No. \_\_\_\_\_  
 for the meeting of An Dáil on Wednesday, 13th May 1970.

To ask the Minister for Defence whether any gratuity is payable to a former Army Officer (name supplied) on his resignation; if so, whether it is intended to make such payment; and the amount of same.

#### REPLY:

With your permission a Cheann Comhairle I propose to take Questions No. \_\_\_\_\_ and No. \_\_\_\_\_ together.

The former Officer of the Defence Forces referred to in the Questions had not, prior to his retirement, come under the unfavourable notice of his superior officers in a respect which would have warranted disciplinary action. Certain suspicions arose, however, which resulted in his transfer to new duties. He was not invited to tender his resignation but he availed himself of the right, which is open to all Officers of the Permanent Defence Force with five years' service or more, of applying for the permission of the Minister for Defence to retire pursuant to sub-section (6) of section 47 of the Defence Act, 1954. This permission was duly granted. An Officer so retiring is eligible for retired pay and/or gratuity under the Defence Forces (Pensions) Schemes. Where a pension or gratuity may be granted to any person under those Schemes the Minister may, in his absolute

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discretion, either make such grant or refuse to make such grant or, where in his opinion the person's defaults or demerits while serving so warrant, grant lesser retired pay or gratuity than would otherwise be payable. I have not come to a decision on the application of these provisions to the case referred to by the Deputy.

JERRY CROWIN  
MINISTER FOR DEFENCE.