

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

ORIGINAL APPLICATION NO. 1125 OF 2003
ALLAHABAD THIS THE 17TH DAY OF NOVEMBER, 2003

HON'BLE MAJ GEN. K.K. SRIVASTAVA, MEMBER-A
HON'BLE MR. A. K. BHATNAGAR, MEMBER-J

Virendra Kumar Yadav,
son of Late Bir Bahadur,
working as Goods Guard,
under Chief Controller,
North Central Railway,
Allahabad.

.....Applicant

(By Advocate Shri Anand Kumar)


Versus

1. Union of India,
through the General Manager,
North Central Railway,
Allahabad.
2. The Administrative Officer/Commanding Officer,
Territorial Army,
1101 Railway Engineers Regiments,
Railway Colony, Manimajrta,
P.O.- Chandigarh (Punjab).Respondents
(By Advocate Shri R.C. Joshi & Shri A.K. Gaur)

ORDER

HON'BLE MAJ GEN. K.K. SRIVASTAVA, MEMBER-A

On This O.A. filed under section 19 of Administrative
Tribunals Act 1985, the applicant has prayed for direction to
respondent no.2 to discharge the applicant from the Territorial
Army as per rules.


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2. The facts, in short, giving rise to this controversy are that the applicant was appointed as Train Number Checker (T.N.C.) in the respondent's establishment on 15.07.1981. He was promoted as Goods Guard in July^h 1988 on which post he is still working. The applicant was enrolled as Sepoy for seven years in Territorial Army at Chandigarh on 05.08.1994^h. He has been attending the Annual Training Camp since then. The applicant after having completed seven years in Territorial Army filed a representation on 04.02.2002 that he ~~is~~^h discharged from Territorial Army but no action was taken. By the order of Senior Divisional Commercial Manager, Allahabad dated 24.02.2003 the applicant was again sent for Annual Training from 01.03.2003 to 30.03.2003. Aggrieved by this the applicant filed representation dated 20.03.2003 (Annexure A.4) but no action has been taken so far either by the competent authority in the Railways or by the Territorial Army to discharge the applicant from Territorial Army.

3. Learned counsel for the respondents raised ^h preliminary objection about the maintainability of this O.A. on the ground that the matter pertains to Territorial Army and, therefore, this^h Tribunal is not competent to ~~hear~~^{hear} this case. The learned counsel for the applicant challenging the contention of the respondent's counsel submitted that ^h as per the order of the Hon'ble High Court dated 08.08.2002 passed in writ petition no.3196/02 (filed in O.A.no.1568/02) this Tribunal has jurisdiction. We have perused the order of the Hon'ble High Court which has been filed as Annexure A-4 of O.A. No.1568/02 and we have no doubt whatsoever that this Tribunal has jurisdiction in this case.


4. The grievance of the applicant is that as per rule he had to be enrolled in the Territorial Army for seven years. Admittedly

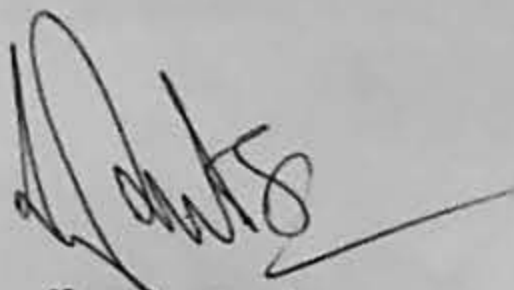
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the applicant has completed more than seven years in Territorial Army. The applicant has sent his representation to Commanding Officer Territorial Army, 1101 Railway Engineer Regd., Chandigarh (Annexure A-4) on 20.03.2003.

5. In our considered opinion, the interest of justice shall better be served if the representation of applicant ^{in dated 20.03.2003} is decided by a reasoned and speaking order in consultation with the General Manager, North Central Railway (not made a party) within two months from the date of communication of this order. The O.A. is disposed of at the admission stage itself.

6. There shall be no order as to costs.


Member-J


Member-A

/Neelam/