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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK & NCH: CUTTACK.

Original Application No. 340 of 1989.

Date of decision: March 7, 1991.

K. Chandran and others ... Applicants.

Versus

Union of India and others ... Respondents.

For the applicant ~~Mrs.~~ C.V. Murty,
C.M.K. Murty,
S.K. Rath, Advocates.

For the respondents Mr. Ashok Mohanty,
Standing Counsel (Railways)

C O R A M :

THE HONOURABLE MR. B.R. PATEL, VICE-CHAIRMAN

A N D

THE HONOURABLE MR. N. SENGUPTA, MEMBER (JUDICIAL)

1. Whether reporters of local papers may be allowed to see the judgment ? Yes.
2. To be referred to the Reporters or not ? No.
3. Whether Their Lordships wish to see the fair copy of the judgment ? Yes.

J U D G M E N T

N. SENGUPTA, MEMBER (J) The facts relating to this case are short and simple. Undisputedly, the applicants are working in the Indian Railways. Their case is that they were enrolled and embodied in the Territorial Army in the years 1984 and 1985. They have prayed for giving them seniority and other service benefits taking into account their services in the Territorial Army.

MS/2/3

2. The contention of the respondents is that this they

are not entitled to.

3. We have heard Mr.C.V.Murty, learned counsel for the applicants and Mr.Ashok Mohanty, learned Standing Counsel (Railways) for the respondents. Mr.Murty has drawn our attention to Section 9 of the Territorial Army Act and has contended that any service rendered as a member of the Territorial Army is equivalent to services rendered as a regular workman. We need not enter into an examination of this contention because the case can be disposed of on a short point. Admittedly, all the applicants were enrolled and/or embodied during the period of their employment in the Indian Railways. For the purpose of seniority or other benefits War services rendered prior to entering into Govt. service may be taken into account, but not the services rendered during employment under any Government or Government Undertakings. If the contention of the applicants is accepted, it would lead to anomalous and absurd situation i.e. the same period would be counted twice. As such, we are not inclined to grant any relief to the applicants. But this disposal of the case does not bar the consideration of the representation alleged to have been made by the applicants to the concerned authorities. The representation, should be disposed of as quickly as possible.

4. This case is accordingly disposed of. No costs.

Bimal
.....7/3/91
Vice-Chairman

Mehta
.....7/3/91
Member (Judicial)

Central Administrative Tribunal,
Cuttack Bench, Cuttack.
March 7, 1991/Sarangi.

