

Only war veterans deserve seniority in civil jobs: Supreme Court

The Supreme Court has ruled that military service would be counted for seniority in civil service only for those who had offered to serve the country during external aggression.

A Bench comprising Justices Dipak Misra and C Nagappan made the clarification in a case from Himachal Pradesh where the government had taken into account the Army service of even those who did not deserve it under the Demobilised Army Personnel Rules 1974.

The Himachal Pradesh High Court had quashed the orders granting such benefits, forcing the affected ex-servicemen of the HP Administrative Service to come to the SC.

Arguing for the general category officials, advocate Anil Nag pleaded that the HC had rightly noted that the appellants were recruited during the period when there was no emergency arising from any war and as such did not deserve the benefit of military service for the purpose of fixing their seniority in the HP administrative service.

The High Court had also taken note of the fact that the rules stipulated that those who had already taken civil employment was debarred from claiming benefit of seniority.

Since one of the appellants, Mohan Lal Chauhan, had already taken up civil employment before his recruitment in HPAS, he was ineligible to claim the benefit of military service, Nag pleaded.

However, since Chauhan would retire in May 2017, the SC allowed him to continue in the present post till then. He would get all retirement benefits on the basis of the last post held by him.

“The respondents who had succeeded before the High Court shall reap the benefits that are due to them. The present order is passed keeping in view the special features of this case,” the Bench said.