

**CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH**

**OA No. 41 of 2018**

**Present: Hon'ble Mr. Gokul Chandra Pati, Member (A)  
Hon'ble Mr. Swarup Kumar Mishra, Member (J)**

Bhagaban Paikaray, aged about 56 years, S/o Gajendra Paikray, At – Kashipur (Gopinathpur), PO-Nirakarpur, Dist.- Khurda – 752019, Odisha.

.....Applicant.

VERSUS

1. Union of India represented through the General Manager, East Coast Railway, E.Co.R.Sadan, Chandrasekharpur, Bhubaneswar, Dist.-Khurda – 751017.
2. Divisional Railway Manager, East Coast Railway, Khurda Road, At/PO/PS – Jatni, Dist.-Khurda – 752050.
3. Senior Divisional Personnel Officer, East Coast Railway, Khurda Road, At/PO/PS-Jatni, Dist.-Khurda-752050.

.....Respondents.

For the applicant : Mr.N.R.Routray, counsel

For the respondents: Mr.S.K.Nayak, counsel

Heard & reserved on : 13.1.2020

Order on : 04.02.2020

**O R D E R**

**Per Mr.Gokul Chandra Pati, Member (A)**

The applicant by filing this OA under section 19 of the Administrative Tribunals Act, 1985 has prayed for the following reliefs :-

- “(a) To quash the order of rejection so far this applicant is concerned vide order dtd. 06.04.2016 under Ann. A/7.
- (b) And to quash the speaking order dtd. 02.03.2017 under Ann.A/9.
- (c) And to direct the respondents to provide employment to the son of the applicant under LARSGESS.  
And pass any other order as this Hon'ble Tribunal deems fit and proper in the interest of justice.  
And for which act of your kindness the applicant as in duty bound shall every pray.”

2. The applicant was initially appointed under the Railways-respondents on 1.1.1984 and had applied under the Liberalized Active Retirement Scheme for Guaranteed Employment (in short LARSGESS) as per the Notification dated 16.11.2015 (Annexure-A/5) issued by the Respondent No. 3. Under the above Scheme, if the applicant's application would have been allowed then his son

would have been considered for an appointment under the Railways. But his application was rejected by the authorities vide order dated 6.4.2016 (Annexure-A/7). The applicant submitted a representation to the Respondent No.1 on 15.6.2016 (Annexure-A/6) and also filed the OA No. 776/16, which was disposed of by order dated 2.3.2017 directing the respondents to consider the representation. Thereafter, the Respondent No.1 has passed the order dated 2.3.2017 (Annexure-A/9) rejecting his representation.

3. In this OA, the applicant impugns the order dated 2.3.2017 mainly on the ground that as per the guidelines issued on LARSGESS, the applicant was entitled for the benefit under the Scheme as the post of Black Smith is included as a safety category of post as the work related to the Tracks. But his case has been rejected on the ground that his post is not included as safety category posts under the purpose of the LARSGESS.

4. Counter filed by the respondents opposed the OA on the ground that the category of posts for which the LARSGESS was applicable have been listed in the circular of the Railway Board dated 1.1.2016 and as per the guidelines, the applicant was not eligible to apply since he was working as Black Smith-III which is not included as a safety category as per the circulars issued by the Railway Board from time to time.

5. No Rejoinder has been filed in this case. Heard learned counsel for both the parties and considered the pleadings on record. Apart from the pleadings in the Counter, learned counsel for the respondents submitted that in the light of the judgment of Hon'ble Punjab and Haryana High Court dated 27.04.16 in CWP No. 7714 of 2016, the Railway Board vide order dated 22.9.2018 decided to keep the LARSGESS scheme on hold w.e.f. 27.10.2017 and no appointment under the scheme is to be made except in cases where the employee concerned had been allowed to retire under the Scheme before 27.10.2017.

6. Further, the applicant in this OA has not furnished any rule or the circular of the Railway Board under which the post of Black Smith is declared as a Safety category post for which the LARSGESS was applicable. Hence, based on the materials on record, we do not find any justification to interfere in the decision taken by the authorities in the matter.

7. In the circumstances, the OA being devoid of merit, is dismissed. There will be no order as to costs.

(SWARUP KUMAR MISHRA)  
MEMBER (J)

(GOKUL CHANDRA PATI)  
MEMBER (A)

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