

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
Original Application No. 040/00044/2020
Date of Decision: 05.02.2020

THE HON'BLE MRS. MANJULA DAS, JUDICIAL MEMBER
THE HON'BLE MR. N. NEHSIAL, ADMINISTRATIVE MEMBER

Sri Dipak Chandra Dhar
S/o late Dinesh Chandra Dhar
Senior Trackman
Under Deputy Chief Engineer (Construction)
N.F. Railway, Silchar, Pin – 788003, Assam.

....Applicant



By Advocate: Sri M. Chanda, Sri G. J. Sharma &
Kumar Abhinaba

-VERSUS-

1. Union of India
Represented by the General Manager
N.F. Railway, Maligaon, Guwahati – 11,
Assam
2. The General Manager
N.F. Railway, Maligaon – 781011.
3. The Divisional Railway Manager
N.F. Railway, Lumding
P.O. Lumding, Dist. Hojai
Assam, Pin – 782447.
4. Deputy Chief Engineer (Construction)
N.F. Railway, Silchar, Pin – 788003, Assam.
5. Senior Divisional Personnel Officer
N.F. Railway, Lumding, P.O. Lumding
Dist. Hojai, Assam, Pin – 782447.

....Respondents

By Advocate: Ms U. Das, Rly. SC

ORDER (ORAL)**MANJULA DAS, JUDICIAL MEMBER:**

This O.A. has been filed by the applicant under section 19 of the Administrative Tribunal Act, 1985 with the following reliefs:



"8.1 That the Hon'ble Tribunal be pleased to direct the respondents to consider the case of the applicant for voluntary retirement in lieu of appointment of his daughter under the LARSGESS Scheme in terms of the Hon'ble Supreme Court's order dated 26.03.2019 in WP(C) No. 219/2019 and Railway Board's letter dated 12.07.2019, against his application dated 06.06.2017.

8.2 Any other relief or reliefs as the Hon'ble Tribunal may deem fit and proper, including the cost of the case."

2. Sri M. Chanda, learned counsel for the applicant submitted that the applicant was initially appointed in the N.F. Railway on 04.11.1985 and is currently serving as Senior Trackman under Deputy Chief Engineer (Construction), N.F. Railway, Silchar. The applicant is due to retire on superannuation on January, 2022.

3. Learned counsel for the applicant further submitted that the Railway Department, Ministry of Railway, Government of India introduced a Safety Retirement Scheme for the Safety Category Staff called as "Liberalized Active Retirement Scheme for Guaranteed Employment for Safety Staff" in short (LARSGESS) vide No.E/(P&A)-2010/RT-2 dated

11.09.2010. Under the said scheme employment to a suitable ward of the Railway Employees working in Safety Category is provided. The categories of staff covered under the Scheme are those who are working in Operating Department, Civil Engineering Department, Signal and Telecommunication Department, Mechanical Department and Electrical Department. Being eligible under said LARSGESS the applicant made application on 09.06.2017 for Voluntary Retirement in lieu of appointment of his ward, Smt. Ripa Dhar.



4. Further submitted that the aforesaid Scheme was kept on hold by the Railway Board w.e.f. However, the Hon'ble Supreme Court vide order dated 26.03.2019 passed in WP(C) 219/219 (Narinder Siraswal & Ors. UOI & Ors.), directed the Railway respondents to consider the representation of the employees who made application when the Scheme was prevalent. In compliance of the said order dated 26.03.2019 passed by the Hon'ble Supreme Court, Railway Board vide letters dated 29.05.2019 and 12.07.2019 decided if any individual representations are received in the light of the decisions of the Hon'ble Supreme Court, the Railways concerned should examine and disposed of each individual representation based on the factual matrix of the case. Thereafter, the applicant submitted

representation dated 18.12.2019 before the respondents No. 3 & 5, but the same is pending for consideration.

5. In view of the above, the learned counsel submitted that the applicant will be satisfied if a direction is made to the respondent authorities to dispose of the representation dated 18.12.2019 of the applicant in the light of the order passed by the Hon'ble Supreme Court in WP(C) No. 219/2019 within a time frame.



6. By accepting the prayer made by the learned counsel for the applicant as well as without going into the merit of the case and without issuing notice to the respondents we direct the respondent authorities to consider the representation dated 18.12.2019 made by the applicant and dispose of it in the light of order dated 26.03.2019 passed by the Hon'ble Supreme Court in WP(C) No. 219/2019 within a reasonable period of two months from the date of receipt copy of this order.

7. It is made clear that the decision so arrived shall be reasoned and speaking and be communicated to the applicant forthwith.

8. With the above direction, O.A. stands disposed of at the admission stage. No order as to costs.

(N. NEIHSIAL)
MEMBER (A)

(MANJULA DAS)
MEMBER (J)

