

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH**

OA/020/00389/2014

HYDERABAD, this the 29th day of November, 2019

Hon'ble Mr. Justice L. Narasimha Reddy, Chairman

Hon'ble Mr. B.V. Sudhakar, Admn. Member

K BHASKER BABU,
S/o K Narsing Rao B,
Aged about 36 years,
Occ: Assistant Loco Pilot (ALP)/SC,
R/o H.No.15-65, New Mirjalguda,
Malkajgiri, Hyderabad 500047.

... Applicant

(By advocate: Mr. M Venkanna)

Vs.



1. Union of India rep. by its
Secretary, Ministry of Railways &
The Chairman, Railway Board,
Rail Bhavan, New Delhi 110001, (Respondent No.1 deleted
as per order in MA 469/14)
2. The General Manager,
South Central Railway,
Rail Nilayam, Secunderabad 500071,
3. The Divisional Railway Manager
(Personnel Branch),
South Central Railway,
4th Floor, Sanchalan Bhavan,
Secunderabad 500 071,
4. Sr. Divisional Personnel Officer,
South Central Railway,
O/o the Divisional Railway Manager,
Personnel Branch, 4th Floor,
Sanchalan Bhavan,
Secunderabad 500 071,

Respondents

(By advocate: Mr. Mrs. Vijaya Sagi, SC for Railways)

ORAL ORDER

(PER HON'BLE Mr. JUSTICE L.NARASIMHA REDDY,
CHAIRMAN)

Father of applicant was employed as Loco Pilot in South Central Railway. A scheme known as Liberalised Active Retirement Scheme for Guaranteed Employment for Safety Staff (LARSGESS) was introduced in the Railways. Under this, certain safety related employees can seek voluntary retirement, in case they did not cross the age of 57 years by 30.06.2019 and can nominate their wards for substitute appointment. Applicant and his father sought the benefit under the scheme. Ultimately, applicant herein was appointed as Assistant Loco Pilot by order dated 08.02.2013.

2. Through order dated 11.03.2014, applicant's services were terminated by giving notice. It was mentioned therein that father of applicant crossed the age limit of 57 years as on 30.06.2010 and accordingly his appointment has become void abinitio. Applicant contends that his father never misrepresented the facts to the administration and it was only on the examination of various details, that his father was permitted to take voluntary retirement and accordingly he was appointed as Assistant Loco Pilot. He states that, his termination is arbitrary and illegal and the impugned order dated 11.03.2014 is liable to be set aside.

3. Respondents filed counter affidavit opposing the OA. It is stated that only the safety related employees, who did not cross 57 years of



age as on 30.06.2010, can avail the benefits, and the father of applicant crossed that age as on that date by 2 months and 23 days. It

is stated that the order of appointment was issued to the applicant on a mistaken fact, and that it would not confer any right to continue him in service. It is stated that the impugned order does not suffer from any legal infirmity.

4. Heard Mr. M. Venkanna, learned counsel for applicant and Mrs. Vijaya Sagi, learned standing counsel for respondents.

5. LARSGESS, is a typical scheme evolved by Railways for the benefit of certain categories of employees, not only permitting voluntary retirement of such employees, but also paving the way for employment of their children or dependents. In the recent past, Hon'ble Punjab and Haryana High Court and Supreme Court took serious exception to this scheme and found that it turned to be a device for back door entry into the important/pivotal posts, that too at a time when there is heavy and stiff competition from the educated un-employees, for such posts.

6. One of the salient features of the scheme is that the employee concerned should not have crossed 57 years as on 30.06.2010. It is not in dispute that father of applicant has crossed that age limit by two months and 23 days, as on 30.06.2010. It is just understandable as to how such an application was processed without noticing an important aspect. Applicant was appointed on 08.02.2013 and at a later stage it was noticed that father of applicant was not qualified for voluntary retirement. The inevitable consequence is that his appointment became void abinitio and accordingly, the impugned order was issued.



7. We do not find merit in the OA and accordingly dismiss the same. In case father of the applicant is not released any pension and retirement benefits, they shall be released forthwith.

8. There shall be no order as to costs.

(B V SUDHAKAR)
MEMBER (A)

(JUSTICE L.NARASIMHA REDDY)
CHAIRMAN

vsn

