

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH**

OA/021/78/2020

HYDERABAD, this the 22nd day of January, 2020

Hon'ble Mr. Ashish Kalia, Judl. Member
Hon'ble Mr. B.V. Sudhakar, Admn. Member



Shri Laliya, S/o.Chandraiah, aged 59 Yrs., Gr.CØ
working as Trackman, IV/ S.C.Railway,
O/o SSE/P.Way/VKB,
R/o 4/50, Dornal Thanda, Dharur Mandal,
Vikarabad Dist., Telangana ó PIN 501121.

(By advocate: Mr.G.Pavana Murthy)

í Applicant

Vs

UOI rep by its,

1. General Manager,
S.C.Railway, 3rd Floor, Railnilyam,
Secunderabad. Telangana.
- 2 . The Principle Chief Personnel Officer ,
S.C.Railway, 4th Floor, Railnilyam,
Secunderabad. Telangana.
3. The Divisional Railway Manager,
S.C.Rly, Secunderabad Division, Sanchalan Bhavan,
Secunderabad.
4. The Sr.Divisional Personnel Officer,
S.C.Rly, Secunderabad Division, Sanchalan Bhavan,
Secunderabad.

í Respondents

(By advocate: Mr.M.Venkateswarlu,
Standing Counsel for Railways)

ORDER (ORAL)

Hon'ble Mr. Ashish Kalia, Judl. Member

The applicant has filed this OA u/Sec.19 of the Administrative Tribunal Act, 1985 praying for the following relief:



“To set aside impugned rejection orders of 4th Respondent letter No.SCR/P-SC/w3/407/Larsgess/Engg. Dated 31.12.2019 in non-considering the applicant ward under LARGESS scheme and direct Respondent No.2 to consider the applicant case for voluntary retirement and appointment to his ward i.e Vislavath Ramu under LARSGESS Scheme on par with similarly situated persons i.e. L.Nageshwara Rao MLP/PAU/NED and to pass such other order/orders as this Hon'ble Tribunal deems fit and proper in the interest of principles of natural justice.”

2. We heard Sri G.Pavan Murthy, learned Counsel for the applicant and Sri M.Venkateswarlu, learned Standing Counsel for the respondents.

3. The applicant is seeking appointment under the LARSGESS. As per the applicant he is eligible for the same and by the impugned order, his case is not considered for the simple reason that certain formalities such as medical examination, etc., have not been done before the cut-off date. That is not the idea presented by the Honøble Supreme Court. The Honøble Supreme Court has simply given a date i.e. 27.10.2017 as cut-off date. Prior to that, a Committee headed by General Manager (Personnel) shall consider the cases of eligible persons. We are of this view that for technical reason, the case of the applicant should not be rejected. The impugned order dated 31.12.2019, which is not as per the directions issued by the Honøble Supreme Court is liable to be set aside. We hereby set aside the same. The applicant should be allowed to go for the medical examination and, if he is otherwise fit, he may be given offer of appointment, in accordance with law.

4. With the above direction, the O.A. is disposed of. No order as to costs.



(B.V. SUDHAKAR)
ADMN. MEMBER

/pv/

(ASHISH KALIA)
JUDL. MEMBER