

**Central Administrative Tribunal
Jaipur Bench, Jaipur**

O.A. No. 144/2014

Date of decision: 17.02.2020

**Hon'ble Mr. Suresh Kumar Monga, Member (J)
Hon'ble Mr. A. Mukhopadhyaya, Member (A)**

Om Prakash Bairwa son of Shri ChirANJI Lal, aged about 32 years, resident of Village & Post Pragpura, Tehsil Rajgarh, District Alwar. Aspirant for Appointment on suitable post under Liberalized Active Retirement Scheme for Guaranteed Employment for Safety Staff (LARSGESS) in North Central Railway, Agra.

...Applicant.

(By Advocate: Shri C.B.Sharma)

Versus

1. Union of India, through General Manager, North Central Zone, North Central Railway, Allahabad (U.P.).
2. Divisional Railway Manager (P), North Central Railway, Agra Division, Agra (U.P.).
3. Section Engineer (Public Way), North Central Railway, Bandikui.

...Respondents.

(By Advocate: Shri Anupam Agarwal)

ORDER (ORAL)

Per: Suresh Kumar Monga, Member (J):

The present original application has been filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985 seeking therein the following relief:

(2)

(i) That the entire record relating to the case be called for and after perusing the same the respondents be directed to allow the applicant to go through selection process by way of written examination treating his father as eligible for the benefits of the scheme and to extend benefits of letter dated 18/01/2013 (Annexure-A/3) and if applicant found suitable, he may be allowed appointment on suitable by quashing order dated 03/12/2013 (Annexure-A/1) with all consequential benefits.

(ii) That the respondents be further directed to give similar treatment to the applicant as given by the other divisions of railways in connection with selection process and as per orders issued by Railway Board from time to time.

(iii) Any other order, direction or relief or direction may be passed in favour of the applicant which may be deemed fit, just and proper under the facts and circumstances of the case.

(iv) That the costs of this application may be awarded."

2. At the very outset, learned counsel for the applicant pointed out that in an identical matter i.e. MA No. 627/2018 in OA No. 132/2016, the respondents have filed an affidavit stating therein that they are under an obligation to consider individual representations in terms of the order passed by the Hon'ble Supreme Court for extending the benefit under Liberalized Active Retirement Scheme for Guaranteed Employment for Safety Staff (LARSGESS) Scheme. A copy of the said affidavit as produced by learned counsel for the applicant during the course of hearing is ordered to be taken on record.

(3)

3. Learned counsel for the applicant further submitted that the applicant shall move a comprehensive representation and he will be satisfied, if a direction is issued to the respondents to consider the same in terms of their undertaking given in their affidavit filed in MA No.627/2018 in OA No.132/2016 and a reasoned and speaking order is passed within a timeframe.

4. Keeping in view the aforesaid prayer made by learned counsel for the applicant, the Original Application is disposed of with the observations that if such a representation is filed by the applicant within a period of one month from today, the same shall be considered by the respondents in terms of their undertaking given in their affidavit dated 24.09.2019 filed in MA No.627/2018 in OA No.132/2016 and a reasoned and speaking order shall be passed within a period of two months thereafter. Before taking such a decision, the applicant shall also be afforded an opportunity of hearing.

5. Ordered accordingly. However, there shall be no order as to costs.

(A.Mukhopadhyaya)
Member (A)

(Suresh Kumar Monga)
Member (J)

/kdr/