



**CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH**

No. O.A. 350/1488/2017

Date of order: (1-12-19)

With

No. O.A. 350/1487/2017

No. M.A. 35/00869/2017

**Present: HON'BLE SMT. MANJULA DAS, MEMBER (J)
NEKKHOMANG NEIHSIAL, MEMBER (A)**

O.A. NO. 350/01488/2017



1. Jadav Chandra Malick
Son of Late Panchanan Malick
Aged about 58 years
Residing at Village – Uchitpur
P.O. – Par-Gopalganj, P.S. – Singur
District – Hooghly, Pin – 712407.

...Applicant

O.A. NO. 350/01487/2017

1. Gopal Chandra Mallick
Son of Late Bhaktipada Malick
Aged about 57 years
Residing at "Nirmala Apartment"
Flat No. 101, 2, Rajendra Avenue 1st Lane
P.O. & P.S. – Uttarpara, Dist – Hooghly – 712258.

2. Ganga Prosad Ghosh
Son of Late Ramsaran Ghosh
Aged about 58 years, Residing at Village – Kandang
P.O. – Pachandi, District – Burdwan, Pin – 713123.

3. Withdrawn by an order dated 17.05.2018.

...Applicants

-Versus-

1. Union of India, service through the
General Manager, Eastern Railway
17, N.S. Road, Fairlie Place, Kolkata – 700001.

[Signature]

2. The Chief Personnel Officer
Eastern Railway, 17, N.S. Road
Fairlie Place, Kolkata – 700001.
3. The Divisional Railway Manager
Howrah at Post Howrah
District – Howrah-711101.
4. Senior Divisional Operation Manager
DRM Building, Howrah
At Post Howrah, District – Howrah-711101.
5. The Sr. Divisional Personnel Officer
Howrah, E. Rly. At Post Howrah
District – Howrah-711101.



...Respondents in both O.As

For the Applicants : A.K. Gayen
For the Respondents : Ms. T. Das

ORDER

NEKKHOMANG NEIHSIAL, MEMBER (A):-

These two cases are analogous and similar question of law and facts are involved, thus, they are being taken up by this common order.

2. O.A. No. 350/01488/2017 in respect of Jadav Chandra Malick and O.A. No. 350/01487/2017 in respect of Gopal Chandra Malick and Ors. These two cases relate to the grant of voluntary retirement under Liberalized Active Retirement Scheme for Guaranteed Employment for Safety Staff (LARSGESS in short). The applicants in both the O.As were working as Cabin Man under the

respondent department. They have applied for voluntary retirement under the LARSGESS scheme. They have been granted the 'voluntary retirement'. Their wards also have been given appointment under the same scheme. Subsequently, it has been detected by the respondent authorities that they are not eligible for 'voluntary retirement' under the LARSGESS scheme. Accordingly, they have been directed to resume duty which is under challenge in these two O.As. The services of their wards also have been terminated. This has been challenged by the ward of the applicant under O.A. No. 147/2015 in respect of Jadav Chandra Malick. In respect of Gopal Chandra Malick, the termination of his ward has been challenged under O.A. No. 886 of 2014.

3. We have considered the issues placed before us. Since the dispute regarding 'voluntary retirement' of these applicants are intimately connected with the O.As in which the termination of their wards have been filed in this Tribunal, it will not be appropriate to adjudicate the present issue independently as it could go against the interest of either parties (applicants or respondents). It is therefore, deemed fit that the O.A. in respect of these three individuals regarding their 'Voluntary Retirement'



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may be clubbed together and heard by the appropriate bench along with the O.As in which the termination of their wards has been challenged.

4. In view of the above circumstances, we have released the present O.A. Nos. 350/1488/2017, O.A. No. 350/1487/2017 and M.A. No. 35/00869/2017 from CAV and same may be tagged with O.A. Nos. 147/2015 and O.A. No. 886/2014.



**(NEKKHOMANG NEIHSIAL)
MEMBER (A)**

**(MANJULA DAS)
MEMBER (J)**

PB