

**Central Administrative Tribunal
Principal Bench, New Delhi**

**O.A. No.1741/2020
MA No.2244/2020**



This the 9th day of November, 2020

(Through Video Conferencing)

**Hon'ble Mr. Pradeep Kumar, Member (A)
Hon'ble Mr. R.N. Singh, Member (J)**

1. Bablu Gupta
Aged 25 years
S/o Shri Ram Bhawn
R/o 77, Gram Belawa, Post Piparpati
Shyam Deurawa, Maharajgang (UP)
2. Ram Bhawn, Aged 61 years
S/o Shri Tilak
AC Helper (Retired)
Under SSE/E/PC/Stabadi, New Delhi
R/o 77, Gram Belawa, Post Piparpati
Shyam Deurawa, Maharajgang (UP). ... Applicant

(through Sh.Yogesh Sharma, Advocate)

Versus

1. Union of India through the General Manager
Northern Railway, Baroda House, New Delhi.
2. The Divisional Railway Manager
Northern Railway, State Entry Road, New Delhi.

... Respondents
(through Sh. Krishan Kant Sharma, Advocate)

ORDER (Oral)

Hon'ble Mr. Pradeep Kumar, Member (A):

- 1) The applicant no. 2 herein had applied under a Scheme known as Liberalized Active Retirement Scheme for

Guaranteed Employment for Safety Staff (LARSGESS), which was in force at that time, seeking his voluntary retirement and appointment of his son, who is applicant no 1, in his place. The medical examination of his son, was also done vide Memo Dt 22.9.2016 and he was declared Fit.



However, the appointment to his son could not be granted for want of some clarification from Railway board.

- 2) It is submitted that the said Scheme of LARSGESS was also put on hold w.e.f. 27.10.2017 because of certain judicial pronouncements and this may have been the reason why Respondents awaited for clarification from Railway Board. The scheme was finally terminated also vide circular Dt 5.3.2019. However, in respect of cases pending as of 27.10.2017, the matter was adjudicated by Hon'ble Apex Court vide their judgement Dt 26.3.2019 in Writ Petition (Civil) No. 219 of 2019, Narinder Siraswal and Ors Vs UOI and Anr, wherein certain directions were passed.

The operative para reads as under:

“ xxxxx

Since the petitioners are claiming benefit under the scheme which was prevalent when applications were preferred by the petitioners, we give liberty to the petitioners to approach the concerned authorities with appropriate representations. If such representation is made, the authorities will do well to consider the matter within two weeks on preferring of the representations.

With these observations, the writ petition stands disposed of. Pending application(s), if any, shall stand disposed of.”

- 3) While his application under LARSGESS remained pending, the applicant had eventually superannuated from Railway service on 31.3.2019.



- 4) Since he satisfied the conditions when the LARSGESS scheme was still applicable and his son was not granted appointment, and his case is covered under the Hon'ble Apex Court judgement (Para 2 supra), he has now preferred a representation for appointment of his son under LARSGESS on 04.03.2020, which has not been decided as yet. Feeling aggrieved, the instant OA has been filed.
- 5) The matter has been heard. Issue Notice.
- 6) Shri K. K. Sharma, learned counsel appears on behalf of Respondents, on advance information, and accepts notice.
- 7) At this stage, learned counsel for the applicant submits that they would be satisfied if the respondents decide their pending representation dated 04.03.2020 by passing a reasoned and speaking order in terms of Hon'ble Apex Court Judgment dated 26.03.2019 (Para 2 supra).
- 8) The OA is disposed of at the admission stage itself, without going into the merits of the case, with a direction to the respondents to pass a reasoned and speaking order on the

pending representation dated 04.03.2020, keeping into account the Hon'ble Apex Court's direction dated 26.03.2019. This exercise shall be completed within a period of 4 weeks and the decision so taken shall be advised to the applicants within this time.



9 Pending MA No. 2244/2020 also stands disposed of.

(R.N. Singh)
Member (J)

(Pradeep Kumar)
Member (A)

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