

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

**O.A. No. 1801/2020
M.A. No. 2332/2020**



Today, this the 17th day of November, 2020

(Through Video Conferencing)

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

1. Anil Goswami
S/o Shri Gajram Goswami
Aged about 29 years
R/o House No. 733, Street No. 8,
Bheem Nagar (Vijay Nagar),
Bypass Road, Ghaziabad, U.P. – 201009
2. Mahesh Kumar
S/o Premraj (Group D) Trackman
Aged about 40 years (OBC)
R/o Village Gudhrana Tehsil Hodal
Distt. Palwal, Haryana
3. Santosh Kumar
S/o Smt. Ram Pyari (Group D) Trackman
Aged about 39 years
R/o 1 Mansarovar Park,
Shani Bazar, Lal Kuan,
Ghaziabad – 201009 (U.P.)
4. Pravesh Kumar
S/o Jaipal Singh (Group D) Sr. Pointsman
Aged about 32 years
R/o I-34, Sarovar Vihar,
Hari Nagar Extension,
Badarpur, New Delhi-110044
5. Mohit Kumar Verma
S/o Inderpal (Group D) Track Man (1900)
Aged about 29 years
R/o A/115/8, Shiv Durga Vihar,
Lakarpur, Faridabad, Haryana



6. Kishan Lal
S/o Hira Lal (Group D) Helper (Khalasi) 1900
Aged about 32 years
R/o 1B/5520 Babu Biharilal Ka Aahta,
Khalasi Line, Sarhanpur,
Near ITC U.P. 247001
7. Krishan Kant Sharma
S/o Smt Aruna Kumari Sharma
W/o Late Shri Mangi Lal Sharma
Helper (Khalasi)
Aged about 33 years
R/o House No. 1762A, Gali No. 4,
S.G.M. Nagar, Faridabad, Haryana
8. Jaswant Singh
S/o Balbir Singh (Group D) Sr. Pointsman
Aged about 32 years
R/o Nayak Basti
Near (Goga Medi) Jakhal,
Teh.-Tohana Distt.
Fatehabad (Haryana) – 125133.

... Applicants

(through Sh. Shalinder Saini, Advocate)

Versus

1. Union of India
Through Secretary,
Railway Board,
Ministry of Railways,
Rail Bhawan, New Delhi.
2. The General Manager,
Northern Railways,
Headquarters Office,
Baroda House, New Delhi – 110001.
3. Divisional Railway Manager
Northern Railway,
State Entry Road, New Delhi.
4. Principal Chief Personnel Officer
Northern Railway
Headquarters Office
Baroda House, New Delhi – 110001

... Respondents

(through Sh. Shailendra Tiwary, Advocate)

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

MA 2332/2020 filed for joining together in a single application is allowed, for the reasons mentioned therein.

2. The father of each of the applicant herein, was serving the Railways. It is pleaded that at that time, the Railways had initiated a scheme known as Liberalized Active Retirement Scheme for Guaranteed Employment for Safety Staff (LARSGESS). Under this scheme, an older employee working on a specified safety related post, could take voluntary retirement and in his place, his son/ward could be granted employment. It is also pleaded that all formalities were completed also but employment was still not granted.

They have since retired on attaining the age of superannuation.

3. It is submitted that the said Scheme of LARSGESS was 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 before offering employment. The scheme was finally terminated also vide circular Dated 05.03.2019. 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 U.O.I. 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. 3 OA No-1739/2020 With these observations, the writ petition stands disposed of. Pending application(s), if any, shall stand disposed of.”

4. The applicants now pleaded that the retired employees had completed all the formalities within the due date, however, yet they were not employed. At this stage, the learned counsel for the applicants submits that the applicants submitted their representations which are still pending, and they will be satisfied if the respondents are directed to pass a reasoned and speaking order on their representations within a certain time frame, in terms of Hon’ble Apex Court judgment dated 26.03.2019 (Para 3 supra).

5. Matter has been heard. Shri Shalinder Saini, learned counsel represented the applicants and Shri Shailendra Tiwary, who is a panel counsel for the Railways and who is present in the video conferencing, was called upon to take notice on behalf of the respondents. Accordingly, Shri





Shailendra Tiwary, learned counsel represented the respondents.

Learned counsel for the applicants undertakes to supply a copy of the O.A. along with annexures thereto, to Shri Shailendra Tiwary, learned counsel for the respondents, positively by tomorrow.

6. In view of the foregoing, the O.A. 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 representations of the applicants, keeping in view the Hon'ble Apex Court's direction dated 26.03.2019, within a period of four weeks and the decision so taken shall be advised to the applicants within this time. No costs.

(R.N. Singh)
Member (J)

(Pradeep Kumar)
Member (A)

/jyoti/uma/akshaya/