

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

**O.A. No.1847/2020
MA No.2376/2020**



This the 19th day of November, 2020

(Through Video Conferencing)

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

Shri Harender Kumar
S/o Shri Girish Babu
Aged 26 years
Group -D
R/o 1057, Kailash Nagar
Palwal, Haryana.

... Applicant

(through Sh. Manjeet Singh Reen, Advocate)

Versus

Ministry of Railways & Others

1. The Secretary
Ministry of Railways
Rail Bhawan
Railway Board
New Delhi.

2. The General Manager
Northern Railway
Baroda House
New Delhi.

3. 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 in the instant OA is the son of one Sh. Girish Babu, who is a serving employee working as Technical Wiremen-III. Railways had a Scheme known as Liberalized Active Retirement Scheme for Guaranteed Employment for Safety Staff (LARSGESS), which was in force at that time. In terms of this scheme, the Applicant made a request on 22.1.2016 seeking voluntary retirement in order to get appointment of his son, Sh. Harender Kumar (applicant herein) in his place. The medical examination of his son, Sh. Harender Kumar, was also done on 01.09.2016 and it is claimed that the applicant was declared Fit. All formalities are said to have been completed. However, the said appointment was still not granted, which is the grievance raised in the instant OA.
- 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) Despite these orders, the application under LARSGESS has remained pending.
- 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 01.07.2019, 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 he will be satisfied if the respondents can decide his pending

representation dated 01.07.2019 (Annexure A-6) for which further reminders were also submitted on 02.03.2020, 17.08.2020 and 18.10.2020, by passing a reasoned and speaking order in terms of Hon'ble Apex Court Judgment dated 26.03.2019 (Para 2 supra).



8) In view of foregoing, 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 01.07.2019 and subsequent reminders, 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.2376/2020 also stands disposed of.

(R.N. Singh)
Member (J)

(Pradeep Kumar)
Member (A)

/sunita/jyoti/uma/