

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



O.A. No.1884/2020

MA No.2431/2020

With

O.A. No.1889/2020

MA No.2428/2020

O.A. No.1891/2020

MA No.2427/2020

O.A. No.1898/2020

MA No.2424/2020

This the 25th day of November, 2020

(Through Video Conferencing)

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

Hon'ble Mr. R.N. Singh, Member (J)

O.A. No.1884/2020

MA No.2431/2020

Shri Sunny
S/o Shri Krishan Kumar
Aged 22 years
Group -D
R/o Village Kishanpura
Post Office-Bishanpura
Distt-Jind
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 Ms. Shreya Bajpai for Sh. Krishan Kant
Sharma, Advocate)



O.A. No.1889/2020

MA No.2428/2020

Shri Ajmer Singh
S/o Shri Bheera
Aged 39 year
Group 'D'
R/o Village post office-Kalyakhan
Distt. Kathal
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 Ms. Shreya Bajpai for Sh. Krishan Kant Sharma,
Advocate)

O.A. No.1891/2020
MA No.2427/2020



Shri Mohit
 S/o Shri Umed Singh
 Aged 26 years
 Group 'D'
 R/o Village, Post Office-Kharawal
 Distt – Rohtak
 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 Ms. Shreya Bajpai for Sh. Krishan Kant
 Sharma, Advocate)

O.A. No.1898/2020
MA No.2424/2020

Shri Dilbagh
 S/o Shri Baljeet Singh
 Aged 30 years
 Group 'D'
 R/o 430/18, Mukhija Colony

Pipal Wali Gali No.12
Jatal Road,
Panipat, 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 Ms. Shreya Bajpai for Sh. Krishan Kant
Sharma, Advocate)

ORDER (Oral)

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

In these four OAs, a common grievance has been raised that benefit under a Scheme introduced by Railways known as Liberalized Active Retirement Scheme for Guaranteed Employment for Safety Staff (LARSGESS), which was in force at that time, has not been granted despite applicants fulfilling all the requirements.

Accordingly, a common order is being passed. The respective details in respect of these OAs are as under.



2. In OA No.1884/2020, the applicant's father applied for voluntary retirement under LARSGESS scheme on 28.01.2016. The medical test of applicant (Son) was got done vide memo dated 08.09.2016 and he was declared fit, in B1 with glasses, on 16.9.2016. However, the appointment to the applicant (Son of the concerned railway employee) was not done. The applicant preferred a representation dated 02.08.2019 followed by reminders dated 28.02.2020, 17.08.2020 and 16.10.2020. These have not been replied as yet.

3. In OA No.1889/2020 applicant's father applied for voluntary retirement under LARSGESS scheme on 23.01.2016. The medical test of applicant (Son) was got done vide memo dated 01.09.2016. However, the appointment to the ward of the concerned railway employee was not done. The applicant preferred a representation dated 13.06.2019 followed by reminders dated 17.06.2019, 02.03.2020 and 18.10.2020. These have not been replied as yet.

4. In OA No.1891/2020 applicant's father applied for voluntary retirement under LARSGESS scheme on 29.01.2016. The medical test of applicant (Son) was got

done vide memo dated 07.09.2016. However, the appointment to the ward of the concerned railway employee was not done. The applicant preferred a representation dated 11.06.2019 followed by reminders dated 18.06.2019, 04.07.2019, 27.07.2020, 17.08.2020 and 18.10.2020. These have not been replied as yet.



5. In OA No.1898/2020 applicant's father applied for voluntary retirement under LARSGESS scheme on 28.02.2014. The medical test of applicant (Son) was got done vide memo dated 11.08.2016. The applicant pleads that he has been called again for medical test on 28.02.2020. However, the appointment to the applicant (Son of the concerned railway employee) was not done. The applicant preferred a representation dated 17.06.2019 followed by reminders dated 27.02.2020, 17.08.2020 and 20.10.2020. These have not been replied as yet.

6. 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.”

7. However, while the applications under LARSGESS remained pending, the respondents have not complied with the directions by Hon’ble Apex Court as above.

8. Since applicants satisfied the conditions when the LARSGESS scheme was still applicable and their cases are covered under the Hon’ble Apex Court judgement (Para 6 supra), they have now preferred representations for appointment of their wards under LARSGESS as brought out in para 2 to 5 above, which has not been decided as yet. Feeling aggrieved, the instant OAs have been filed.

9. The matter has been heard. Issue Notice.

10. Ms. Shreya Bajpai, proxy counsel for Shri K. K. Sharma, learned counsel appears on behalf of Respondents, on advance information, and accepts notice.



11. At this stage, learned counsel for the applicants submits that he will be satisfied if the respondents decide their pending representations followed by reminders by passing a reasoned and speaking order in terms of Hon'ble Apex Court Judgment dated 26.03.2019 (Para 6 supra).

12. 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 representations 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 four weeks and the decision so taken shall be advised to the applicants within this time.

13. Pending MAs shall also stand disposed of.

(R.N. Singh)
Member (J)

(Pradeep Kumar)
Member (A)

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