



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

**O.A. No.1981/2020
M.A. No.2544/2020**

This the 4th day of December, 2020

(Through Video Conferencing)

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

Balkishan

Aged about 62 years
S/o late Shri Babulal,
Rtd. Pointsman 'A'
Bharua Sumerpur Railway Station,
Now Resident of: H. No. 324, Gali Raj Tailor,
Sanjay Camp, Heiderpur, North West, Delhi-88

... Applicant

(through Advocate Sh. H.P.Chakravorti)

Versus

1. Union of India through
The Chairman, Railway Board,
Ex-Officio Principal Secretary
Govt. of India, Ministry of Railways,
Rail Bhawan, New Delhi-01
2. The General Manager,
North Central Railway,
Subedarganj, Allahabad, U.P.
3. The Divisional Railway Manager,
North Central Railway, Jhansi U.P.

... Respondents

(through Advocate Sh. Krishna Kant Sharma)

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

The applicant herein had served the respondent – Railway. At the relevant point of time, the Railways had a scheme known as Liberalized Active Retirement Scheme for Guaranteed Employment for Safety Staff (LARSGESS), under which the staff posted on certain safety related posts could opt to go on voluntary retirement, if he has requisite qualifying service and his ward (son/daughter) could be appointed in his place, if such a ward had the necessary eligibility and qualification.

2. The applicant has pleaded that he applied to avail the benefit of LARSGESS on 9.2.2016, but his request was rejected on the plea that he did not have the minimum requisite qualifying service to his credit as of relevant date. Applicant has superannuated on 31.5.2019.

The applicant, however, drew attention to an office noting sheet of 24.04.2019, which he obtained later under RTI on 2.1.2019, which indicates that he had the necessary qualifying service of 33 years 4 months and 23 days as of relevant date. With this, the applicant pleads

that the decision to reject his claim under LARSGESS, was incorrect as it does not bear out on facts.



Subsequently, the applicant made a representation also which was also rejected by the respondents vide their letter dated 14.11.2019, on the same plea of insufficient qualifying service to his credit on the relevant date.

3. Feeling aggrieved, the applicant has preferred the instant OA and relief has been sought to quash the said order dated 14.11.2019, with a direction to the respondents to consider his case for grant of benefit under said LARSGESS scheme.

4. Matter has been heard. Issue notice. Shri K. K. Sharma, learned counsel appears on behalf of Respondents, on advance information, and accepts notice.

5. At this stage, learned counsel for the applicant submits that he will be satisfied if the respondents are directed to review their decision, by passing a reasoned and speaking order, on his representation in terms of latest directives by Hon'ble Apex Court vide their judgment Dated 26.3.2019 in Writ Petition (Civil) No. 219 of 2019, Narinder Siraswal and Ors Vs UOI and Anr., wherein

certain directions were passed in respect of those who fulfilled the requirements as of 27.10.2017. The operative para reads as under:

“ xxxxxx



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.”

6. In view of the foregoing, the present OA is disposed of at the admission stage itself, without going into the merits of the case, with a direction to the respondents to revisit their rejection order dated 14.11.2019 and pass a reasoned and speaking order afresh, keeping into account the Hon'ble Apex Court's direction dated 26.03.2019 (Supra). 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. No costs.

7. Pending MA No.2544/2020 also stands disposed of.

(R.N. Singh)
Member (J)

(Pradeep Kumar)
Member (A)

/sunita/anjali/pinky