

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



**O.A. No.2104/2020
MA No.2703/2020**

This the 18th day of December, 2020

(Through Video Conferencing)

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

Shri Suraj Pal
S/o Shri Ganga Ram,
Aged 35 years
Group-D,
R/o = Village – Bada Gaon,
Karnak-132001
Haryana.

... Applicant

(By Advocate : Mr. Manjeet Singh Reen)

Versus

Ministry of Railways & Others.

1. The Secretary,
Ministry of Railways,
Rail Bhawan,
Railway Board,
New Delhi.
2. The General Manager,
Northern Railway,
Headquarter's Office,
Baroda House,
New Delhi.
3. The Divisional Railway Manager,
Northern Railway, State Entry Road,
New Delhi.

... Respondents

(By Advocate : Mr. Krishna Kant Sharma)

ORDER (Oral)**Hon'ble Mr. R. N. Singh, Member (J):**

The applicant herein had applied under the 1st cycle of 30.1.2015, 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 appointment in place of his father, who applied for voluntary retirement. The medical examination of the applicant was also done and he was declared Fit. However, the respondent Northern Railway advised him that appointment to applicant cannot 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 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 dated 26.03.2019 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:



“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.”

- 3) While his application under LARSGESS remained pending, the father of the applicant is yet to retire.
- 4) Since he satisfied the conditions when the LARSGESS scheme was still applicable and applicant 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 his appointment under LARSGESS on 29.07.2019, 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 notice, and accepts notice.



7) At this stage, learned counsel for the applicant submits that they would be satisfied if the respondents decide his pending representation dated 10.11.2020 (Annexure A-11) 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 10.11.2020 (Annexure A-11), 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. 2703/2020 also stands disposed of.

(R. N. Singh)
Member (J)

(A.K. Bishnoi)
Member (A)

/ravi/rk/