

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



O.A. No.1366/2020
MA No.1712/2020
MA No.1711/2020

Through video conferencing

Tuesday, this the 24th day of September, 2020

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. Pradeep Kumar, Member (A)**

1. Manish Sharma
S/o Radheshyam Sharma
Group D, Trackman (Retd.)
Aged about 31 years
R/o E-93/1, Bhagirathi Vihar
Near Gokulpuri, Delhi-110094.

2. Sher Singh
S/o Tikaram
Group D, Trackman (Retd.)
Aged about 27 years
R/o House No. 69
Behind Brijwasi Sweet Shop
Radha Govind Nagar
Kosikalan (Mathura), Uttar Pradesh-281403.

3. Suresh Rao
S/o Shripath
Group D, Trackman (Retd.)
Aged about 30 years
R/o D-105, Vilaspur Camp
Molarband Badarpur
New Delhi-110044.

4. Ajay Kumar
S/o Babu Lal
Group D, Trackman (Retd.)
Aged about 26 years
R/o Charuhar Beem Post gonad

P.S. Garh Ganj, Distt. Raebareli, UP-229204.



5. Prince
 S/o Maya Ram
 Group D, Trackman (Retd.)
 Aged about 27 years
 R/o Shahbad Markanda
 Kurkshetra, Haryana-136135.

6. Agya Ram
 S/o Sh. Ram Dhiraj
 Group D, Trackman (Retd.)
 Aged about 26 years
 R/o C-4/48, Gali No. 1
 2nd Pushta Sonia Vihar, Delhi 110094.

7. Papan Kumar
 S/o Hero Lal
 Aged about 39 years
 R/o Railway Colony Ward 14
 Samalkha Panipat Haryana.

8. Satish Kumar
 S/o Bhim Sen
 Group D, Trackman (Retd.)
 Aged about 26 years
 R/o Village Dohai, Post Jaleser Road
 Hathras-231104.

9. Dilip Kumar
 S/o Shyam Lal
 Group D, Trackman (Retd.)
 Aged about 29 years
 R/o D-80, Street No. 2, Pustha-3
 Sonia Vihar, delhi-
 110091. Applicants

(By Advocate : Sh. Shailender Saini)

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 Railways
State Entry Road, New Delhi.

4. Principal Chief Personnel Officer
Northern Railway
Headquarters Office
Baroda House, New Delhi-110001.

... Respondents

(By Advocate : Sh. Krishna Kant Sharma)

ORDER (ORAL)**Mr. Justice L. Narasimha Reddy, Chairman :**

The applicants claim to be the children of certain employees in the Northern Railways. There existed a scheme known as LARSGESS in the Railways, which provided for the voluntary retirement of the employees of specified departments, which are mostly safety related and within a particular age group. On the facility of VRS being extended, their son or daughter is required to be issued order of appointment depending upon the qualifications, and in accordance with the procedure. The applicants contend that their respective parents have submitted applications for VRS and consequential benefits under LARSGESS. According to them, the applications were processed to a substantial extent and at that stage, the scheme was discontinued, in the light of the observations made by the Hon'ble Punjab and Haryana High Court.

2. The applicants contend that the matter was taken to the Hon'ble Supreme Court and in view of the observations made therein, it was decided by the Railways on 05.03.2019, to extend the benefit under the LARSGESS scheme, in such of the cases, where the process was



complete in all respects by 27.10.2017 and the employee did not retire on attaining the age of superannuation by that date. The applicants contend that though they fit into the parameters of the decision taken on 05.03.2019 they are not being extended the benefit.

3. We heard Shri Shalinder Saini, learned counsel for applicant and Shri Krishna Kant Sharma, learned counsel for respondents, at the stage of admission.

4. The LARSGESS scheme was in force for quite some time in the Railways. The benefit of appointment of the children or dependents of the employees, who take VRS in certain trades, was available. That, however, was discontinued. The applicants contend that their cases were processed almost in all respects, but by the time, the order could be issued, the scheme was discontinued. Referring to the decision of the Railway Board on 05.03.2019, the applicants have submitted several representations mostly in the month of June, 2019. Their grievance is that no action has been taken thereon.

5. The question as to whether the applicants or for that matter, their respective parents, fit into the scheme



mentioned under the proceeding dated 05.03.2019, needs to be examined. The representations submitted by the applicants cannot be kept pending indefinitely.

6. We therefore, disposed of the OA, directing the respondents to pass orders on the representations submitted by the applicants, claiming the benefit of LARSGESS, within a period of two months from the date of receipt of a certified copy of this order. It shall be open to the applicants to make fresh representations or to supplement the relevant facts within two weeks from today. It is needless to mention that the respondents shall take into account, the various orders passed by the different Courts as well as the decision taken by them in pursuance thereof, while disposing of the representations.

Pending MAs, if any, shall stand disposed of.

There shall be no orders as to costs.

(Pradeep Kumar)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

/sd/rk/ns/sd/RKS