

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

OA/021/504/2020

HYDERABAD, this the 21st day of August, 2020.



THE HON'BLE MR. ASHISH KALIA : JUDICIAL MEMBER

THE HON'BLE MR.B.V.SUDHAKAR : ADMINISTRATIVE MEMBER

1. Yadapalli Yadhagiri Narasimha Rao,
S/o. Govind, Gr. C, 57 years,
Occ: Trollymen,
O/o. Senior Section Engineer (P. Way),
S.C. Railway, Madhira, Khammam District,
R/o. Door No. 45-7, Bonakal, Khammam – 507 204.
2. Yadapalli Srinivasa Rao,
S/o. Yadapalli Yadagiri Narasimha Rao,
Aged about 25 years, Occ: Unemployee, R/o. Door No. 36-2, Bonakal,
Khammam – 507 204.

...Applicants

(By Advocate : Mr.Ch. Venkat Raman)

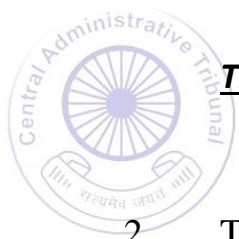
Vs.

1. Union of India, Ministry of Railways,
Rep. by its Secretary, Railway Board,
Rail Bhavan, New Delhi – 110 001.
2. The Senior Divisional Engineer (Personnel),
South Central Railway, Secunderabad – 500 071.
3. The Divisional Railway Manager, Personnel Branch,
4th Floor, Sanchalan Bhavan, Secunderabad-500 071.
4. The Senior Section Engineer (P.Way),
South Central Railway, Madhira,
Khammam District.
5. The Assistant Divisional Engineer,
South Central Railway, Madhira,
Khammam District.

....Respondents

(By Advocate : Mr. M. Venkateshwarlu, SC for Rlys)

Oral Order
(as per Hon'ble Mr.B.V. Sudhakar, Administrative Member)



Through Video Conferencing

2. The OA is filed in regard to grant of compassionate appointment to the 2nd applicant, who is the son of the 1st applicant, under LARSGESS Scheme.

3. Brief facts of the case are that, the 1st applicant who is working in the respondent organization, applied for voluntary retirement under LARSGESS Scheme 1st cycle of 2016, so that his son, 2nd applicant herein, would get employment under the Scheme. The 2nd applicant was also issued a Certificate dt. 29.11.2016 showing his name at Sl. No.3. The 2nd applicant also passed in the written examination under the Scheme-I Phase as declared vide letter dt. 24.08.2017 and he was also called for medical examination. Thus, the 2nd applicant herein was fully qualified and was expecting favourable consideration. In the meanwhile, when the LARGESS scheme was kept under abeyance due to court orders, the matter was taken up with the Hon'ble Supreme Court wherein it was directed to permit those employees, whose applications were under process before a cut off date prescribed, to represent. In pursuance of the Hon'ble Apex Court order, Railway Board issued instructions. Accordingly, the 1st Applicant represented on 22.07.2019 and 19.08.2019 to consider his request for voluntary retirement and provide appointment to the 2nd applicant under the LARSGESS 2016-I Phase, but there being no action, the OA was filed.

4. The contentions of the applicant are that in SLP (C) No. 508/2018, filed by the Union of India, the Hon'ble Supreme Court passed the following order:

“Permit the petitioner to appoint such wards whose paper work had completed and were found eligible and medically fit to be appointed under the scheme prior to 27.10.2017, being wards of second category of persons”.



Further, Hon'ble Supreme Court passed orders on 26.03.2019 in WP (C) No.219/2019 as under:

“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 representation. 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.”

Railway Board also in letter dated 29.5.2019 has directed to dispose individual representations received in the light of the judgment of the Hon'ble Supreme Court in WP (C) No 219/2019 and WP (C) 448/2019. Applicants contend that their representations dated 22.7.2019 and 19.08.2019 have not been considered, despite such clear cut orders. The applicants also contend that the persons who applied along with them, numbering 124 were issued appointment orders, through proceedings dt. 10.06.2019, but the case of the applicants was ignored. Therefore, the applicants prayed to direct the respondents to act as per the directions contained in the Railway Board orders cited and dispose of their representations, at the earliest.

5. Heard both the counsel and the perused the material on record.
6. The applicants' prayer is that their representations be disposed, at the earliest, in the light of the directions of the Hon'ble Supreme Court and consequential orders of the Railway Board referred to above. The request is genuine and therefore, the respondents are directed to dispose of the representations dated 22.07.2019 and 19.08.2019 of the applicants by keeping in view the orders of the Hon'ble Supreme Court, proceedings of the Railway Board

cited supra and also the grounds raised in the OA, by issuing a speaking and reasoned order, within a period of 8 weeks from the date of receipt of this order.



7. With the above direction, the OA is disposed of, at the admission stage.
There shall be no order as to costs.

(B.V.SUDHAKAR)
ADMINISTRATIVE MEMBER

(ASHISH KALIA)
JUDICIAL MEMBER

/evr/