

Through Video Conferencing

**CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH
JABALPUR**

Original Application No.200/436/2020

Jabalpur, this Monday, the 11th day of January, 2021

**HON'BLE MR. RAMESH SINGH THAKUR, JUDICIAL MEMBER
HON'BLE MS. NAINI JAYASEELAN, ADMINISTRATIVE MEMBER**

Lalaram S/o Chhimmu, aged about 59 years, Occupation – Trackman, Unit No.13, Railway Station Koloras, Department of Engineering, West Central Railway, Shivpuri (M.P.), Pin – 473770, Permanent Resident – H.No.177, Mohalla Mahatman, Post & Police Station Barua Sagar, Tahsil – Jhansi, District – Jhansi (U.P.) – 284001
-Applicant

(By Advocate – Smt. Sushma Pandey)

V e r s u s

1. Union of India through General Manager, West Central Railway, Zone Jabalpur at Indira Market, Jabalpur (M.P.) – 482001.
2. The Divisional Railway Manager (P), Bhopal Division of West Central Railway at DRM Office Campus, Bhopal (M.P.) – 462001.
3. The Assistant Personal Officer, West Central Railway Bhopal Division, Office at DRM Campus, Bhopal (M.P.) – 462001.
4. Senior Section Engineer, Shivpuri, West Central Railway, Railway Station Shivpuri, Distt. Shivpuri (M.P.) – 473551.
5. Assistant Divisional Engineer, West Central Railway, Railway Station Shivpuri, Distt. Shivpuri (M.P.) - 473551
-Respondents

(By Advocate – Shri J.S. Rathore)



O R D E R

By Ramesh Singh Thakur, JM.

Through this Original Application, the applicant is seeking direction to the respondents to consider the case of his son for appointment under the Liberalized Active Retirement Scheme for Guaranteed Employment for Safety Staff (LARSGESS) scheme.

2. The applicant submits that he was initially appointed on 30.06.1985 under the Railways and superannuated on 31.12.2020 while working as Trackman. In pursuance to the notification dated 05.06.2017 (Annexure A-3), the applicant submitted his application (Annexure A-4) in July 2017 for appointment of his ward under the LARSGESS scheme. However, the same was rejected on 05.11.2019 (Annexure A-1) on the ground that no benefit can be granted as the LARSGESS scheme has been terminated w.e.f. 27.10.2017.

3. The applicant submits that his son was called for screening and interview but due to keeping the scheme on hold w.e.f. 27.10.2017, further proceedings could not be done. The applicant also submits that two similarly situated persons, who have applied along with the applicant, have been benefited and their wards have been given appointment under the said scheme.

4. In their reply, the respondents have submitted that the applicant submitted his application for appointment of his son under the LARSGESS scheme in lieu





of notification issued on 05.06.2017 (Annexure A-3). However, no formalities were initiated against the said notification as the LARSGESS scheme was put on hold by the Railway Board w.e.f. 27.10.2017. Thereafter, the Hon'ble Apex Court vide order dated 26.03.2019 in WP (C) No.219/2019 and order dated 22.04.2019 in WP (C) No.448/2019 has directed to consider the representation of the employees, who are claiming benefit under the Scheme which was prevalent when applications were preferred. Accordingly, after obtaining approval of the competent authority, it has been decided vide letter dated 24.01.2020 (Annexure R-7) to consider the representations and give appointment to those persons whose medical examination has been completed prior to 27.10.2017 and found fit. The respondents have also submitted that the applications of persons mentioned in the Original Application, were against the notification of 1st Six Month Cycle i.e. January to June 2017, whereas the applicant applied against the notification issued in 2nd Six Month Cycle from July – December 2017.

5. We have heard the learned counsel for the parties and perused the pleadings and the documents available on record.

6. The LARSGESS scheme was put on hold by the Railway Board w.e.f. 27.10.2017 (Annexure R-2) in view of directions of Hon'ble High Court of Punjab and Haryana at Chandigarh in Review Application (RA-CW-330-2017)

dated 14.07.2017 (**Kala Singh & Ors. vs. Union of India & Ors.**). The Hon'ble High Court has observed that such a policy was *prima facie* violative of Article 14 & 16 of the Constitution of India and directed the Railways to revisit the offending policy. Subsequently, vide RBE No.39/2019 dated 05.03.2019 (Annexure R-3), the Railway Board has terminated the LARSGESS scheme w.e.f. 27.10.2017 in view of directions of Hon'ble Supreme Court of India in SLP (C) No.508/2018 dated 08.01.2018. Further, as per direction of Hon'ble Supreme Court in WP (C) No.219/2019 and 448/2019, the Railway Board vide letter dated 13.11.2019 (Annexure R-5) has issued guidelines to all the Zonal Railways to examine & dispose of the individual representations under the LARSGESS scheme for pre-27.10.2017 cases based on the factual matrix of each case. As per the guidelines issued by the Railway Board, the respondent No.1 has issued the letter dated 24.01.2020 regarding consideration of the representations and appointment under LARSGESS scheme, whose medical examination has been completed prior to 27.10.2017 and found fit, but the employees are yet to retire.

7. It is evident from record that the applicant had applied for appointment to his son against the notification issued vide letter dated 05.06.2017. The respondents, in their reply, have categorically stated that neither any formalities were initiated nor completed against the said notification. The persons who have been benefited





under the LARSGESS scheme, had applied prior to issuance of the notification dated 05.06.2017. We also do not find any document on record to show whether medical examination of ward of the applicant was completed prior to 27.10.2017 and was he found fit in the medical examination. Thus, the case of the applicant does not meet the conditions as stipulated in the letter dated 24.01.2020 (Annexure R-7) and no relief can be granted to the applicant at this stage particularly when the scheme is being terminated and the applicant has since retired from service.

8. In view of the aforesaid, we do not find any merit in this Original Application. Accordingly, the Original Application is dismissed. No costs.

(Naini Jayaseelan)
Administrative Member
am/-

(Ramesh Singh Thakur)
Judicial Member