

CENTRAL ADMINISTRATIVE TRIBUNAL
PATNA BENCH, PATNA

OA/050/00445/2020

Date of Order :03.12.2020

C O R A M

HON'BLE MR. M.C.VERMA, JUDICIAL MEMBER
HON'BLE MR. SUNIL KUMAR SINHA, ADMINISTRATIVE MEMBER



Bharat Yadav, aged about 55 years, son of Late Narayan Yadav, now posted as Trackman (IV), Eng. Department, under PWI-I South Eastern Railway, Chakradharpur Division, P.O.- Chakradharpur, Dist.- Singhbhum (West) Pin No. 833102.

..... Applicant.

- By Advocate : Mrs. M.M.Pal assisted by Miss Apragita Sinha.

-Versus-

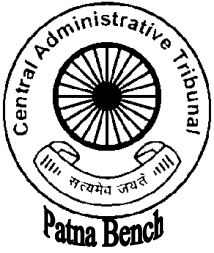
1. Govt. of India, Ministry of Railways, Railway Board, through Joint Director (P&A), New Delhi.
2. Union of India through, General Manager, S.E. Railway, Garden Reach, Kolkata-43.
3. Divisional Railway Manager, S.E. Railway, Chakradharpur Division, PO & PS-Chakradharpur, Dist-Singhbhum (West) Pin No.-833102.
4. Sr. Divisional personnel Officer, Chakradharpur Division, S.E. Railway, PO & PS-Chakradharpur, Dist-Singhbhum (West) Pin No.-833102.

..... Respondents.

By Advocate :- Shri Prabhat Kumar, Id. SC

O R D E R [ORAL]

Per M.C.Verma, Member (Judl.):- Heard. The matter is at notice stage hearing. Advance copy of the OA has been served to counsel for respondents and Shri Prabhat Kumar Advocate has appeared for respondents.



2. Learned counsel Mrs. M.M.Pal presses the OA and urged that applicant Bharat Yadav was appointed in Safety category and is in continuous in the service for last more than 20 years, that in the year 2004 Safety related retirement scheme was introduced by the Railway department and subsequently, the scheme was re-named as LARSGESS. That the applicant was falling within the ambit of scheme and, therefore, he, in July 2017, applied for VRS with request for appointment of his son Amar Yadav. That respondent authority for the reason best known to them did not complete the process of his retirement and appointment of his son and in 2019, the LARSGESS scheme was terminated with effect from 27/10/2017. That RBE No. 151/2018 dated 29.09.2018 was also issued wherein it was decided to kept open the cases where the wards have completed all the formalities under LARSGESS Scheme prior to 27.10.2017 subject to the decision of the Hon'ble Supreme Court in W.P. [C] No. 219/2019.

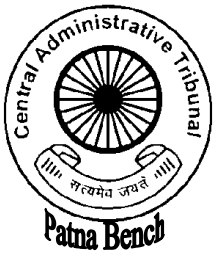
3. Learned counsel argued further that several writ petition, OA and SLP etc, relating to LARSGESS scheme by

different candidate thereafter were also preferred on the file of various Bench of the Tribunal or on the file of Hon'ble High Court or on the file of Hon'ble Supreme Court and the Hon'ble Supreme Court has given some directions qua the Scheme were given.



4. Learned counsel specified that in WP (C) 219/2019 liberty to applicant employee, like the present applicant was granted to approach the concerned authorities with appropriate representation. She referred the order dated 26.03.2019 passed by Hon'ble Supreme Court in W.P. © 219/2019 and argued further that applicant made representation to the respondents and his representation is still pending. That under RTI, applicant come to know that the respondent authority did not take any action on his representation. That under RTI, he vide information dated 03.01.2020 was informed by Public Relation Officer of the respondents that LARSGESS has been terminated and as such, no action has been taken to process the application.

5. Learned counsel Mrs. Pal contended that the act of the respondents is illegal, violative of Article 14 and 16 of the Constitution of India and is not tenable in law. She submitted that in similar situation, the respondents have considered the case of other applicant. That the Tribunal has



also given direction to the respondents time and again but discrimination has been done with the applicant and his representation has not yet been decided. She concluded that one of the prayer in the OA is regarding disposal of the representation as per law and she submitted that if it deem fit and proper, the OA may be disposed of with direction to the respondents to take decision on the application/representation of the applicant by passing a reasoned and speaking order. Learned counsel for the applicant informed that applicant gave the application to avail benefit of LARSGESS Scheme in July 2017 and and it was referred by the Sr. Section Engineer (P.Way) Mahanpur to the Sr. DPO/Rectt./CKP vide letter dated 10.08.2017 and that applicant represented on 16.03.2020 and copy of his representation is Annexure A/6. She submits that respondent no. 3 is the competent authority.

6. Learned counsel for the respondents urged that he has no objection if OA is disposed of with direction to the respondents to dispose of the representation of the applicant. He also states that respondent no. 4 is the competent authority to take decision.

7. Considered the submissions. In its order dated 26.03.2019 passed in W.P.[C] 219/2019 Hon'ble Supreme Court have observed and passed direction 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 representation. With these observations, the writ petition stands disposed of. Pending application(s), if any, shall stand disposed of.”

8. Having taken note of submission made at Bar and other surrounding circumstances as well the pleading in the OA, it appears appropriate to dispose of this OA at this stage of notice hearing itself with direction to the respondents to consider and decide the application/representation of the applicant by passing a reasoned and speaking order within two months of the date of receipt of copy of this order taking note of circular & instruction issued by the Railway Board as well judicial direction relating to LARSGESS. Ordered Accordingly. OA stand disposed of. Pending MA, if any also stand disposed of.

[Sunil Kumar Sinha]
Member (A)

[M.C. Verma]
Member (J)

Pkl/