

**CENTRAL ADMINISTRATIVE TRIBUNAL
PATNA BENCH, PATNA
O.A. No. 051/00028/2021**

Date of Order: 15th January, 2021

C O R A M

**HON'BLE MR M.C. VERMA, MEMBER [J]
HON'BLE MR. SUNIL KUMAR SINHA, MEMBER [A]**

1. Umesh Kumar Sharma, aged about 58 years, son of late Durga Kumar, S.E. Railway, Khalasi Helper, in Electrical Department/OP, CKP Division, P.O. & P.S. – Chakradharpur, Dist. – Singhbhum [West] – 833102 and 27 others.
2. Maheshwar Barik aged about 57 years Son of Kartik Bark, S.E. Railway, Trackman-IV, Engineering Dept. CKP Division, P.O. & P.S.- Chakradharpur, Dist-(West)-833102.
3. Sursingh Kherwar, aged about 57 years, Son of H.M. Kherwar, Trackman-IV, Engineering Dept. CKP Division, P.O. & P.S.- Chakradharpur, Dist- (West)-833102.
4. Guru Prasad Mahato aged about 56 years, Son of Late Bidyadhar Mahato, Trackman-IV, Engineering Dept. CKP Division, P.O. & P.S.- Chakradharpur, Dist-(West)-833102.
5. Gobardhan Sardar aged about 56 years, Son of Late Ganesh Sardar, Trackman-IV, Engineering Dept. CKP Division, P.O. & P.S.- Chakradharpur, Dist-(West)-833102.
6. Jitendra Gwala aged about 55 years, Son of Late Junu Gwala, Trackman-IV, Engineering Dept. CKP Division, P.O. & P.S.- Chakradharpur, Dist-(West)-833102.
7. Panchu Mandal aged about 55 years, Son of Late Govind Mandal, Trackman-IV, Engineering Dept. CKP Division, P.O. & P.S.- Chakradharpur, Dist-(West)-833102.
8. Suraj Kant Mahato aged about 55 years, Son of Rathu Mahato, Trackman-IV, Engineering Dept. CKP Division, P.O. & P.S.- Chakradharpur, Dist-(West)-833102.
9. Sudharshan Mahato aged about 58 years, Son of Pralad Mahato, Trackman-IV, Engineering Dept. CKP Division, P.O. & P.S.- Chakradharpur, Dist-(West)-833102.
10. Jay Singh Bobonga, aged about 61 years, Son of Late Landa Bobonga, Trackman-IV, Engineering Dept. CKP Division, P.O. & P.S.- Chakradharpur, Dist-(West)-833102.
11. Madhesh Singh aged a bout 57 years, Son of Late Shiv Balur Singh, KHI/Helper, CCE, RSO, CKP Division, P.O. & P.S.-Chakradharpur, Dist-(West)-833102.
12. Lakman Mahato aged about years, Son of Late Gunuram Mahato, Trackman-IV, Engineering Dept. CKP Division, P.O. & P.S.- Chakradharpur, Dist-(West)-833102.
13. A Ramna Rao aged about 59 years, Son of Late A. Krishna Rao, Loco Pilot, CKP Division, P.O. & P.S.-Chakradharpur, Dist-(West)-833102.





14. Balram Mahato, aged about 56 years, Son of Late Rengtu Mahato, Trackman-IV, Engineering Dept. CKP Division, P.O. & P.S.-Chakradharpur, Dist-(West)-833102.

15. Rameshwar Mahato aged about 53 years, Son of Kesab Mahato, Trackman-IV, Engineering Dept. CKP Division, P.O. & P.S.-Chakradharpur, Dist-(West)-833102.

16. Ruhidas Mahato, aged about 54 years, Son of Sukhdeo Mahato, Trackman-IV, Engineering Dept. CKP Division, P.O. & P.S.-Chakradharpur, Dist-(West)-833102.

17. Dhaneshwar Mahato aged about 53 years, Son of Late Ajambar Mahato, Trackman-IV, Engineering Dept. CKP Division, P.O. & P.S.-Chakradharpur, Dist-(West)-833102.

18. Shambhu Charan Mahato, aged about 57 years, Son of Amuliya Mahato, Trackman-IV, Engineering Dept. CKP Division, P.O. & P.S.-Chakradharpur, Dist-(West)-833102.

19. Sita Ram Mandal, aged about 58 years, Son of Dub Raj Mandal, Trackman-IV, Engineering Dept. CKP Division, P.O. & P.S.-Chakradharpur, Dist-(West)-833102.

20. Ibrahim Ansari, aged about 58 years, Son of Late Noor Mohammad Ansari, Trackman-IV, Engineering Dept. CKP Division, P.O. & P.S.-Chakradharpur, Dist-(West)-833102.

21. Sukram Bobonga, aged about 54 years, Son of Late N. Bobonga, Trackman-IV, Engineering Dept. CKP Division, P.O. & P.S.-Chakradharpur, Dist-(West)-833102.

22. Surat, aged about 56 years, Son of Late Dhanu, Trackman-IV, Engineering Dept. CKP Division, P.O. & P.S.-Chakradharpur, Dist-(West)-833102.

23. Sudarshan Mahato, aged about 56 years, Son of Tilochan Mahato, Trackman-IV, Engineering Dept. CKP Division, P.O. & P.S.-Chakradharpur, Dist-(West)-833102.

24. Gagan Chandra Mahato, aged about 56 years, Son of Late K. Mahato, Trackman-IV, Engineering Dept. CKP Division, P.O. & P.S.-Chakradharpur, Dist-(West)-833102.

25. Mahabir Mahato aged about 55 years, Son of Late Rajendra Mahato, Trackman-IV, Engineering Dept. CKP Division, P.O. & P.S.-Chakradharpur, Dist-(West)-833102.

26. Santosh Kumar Das, aged about years, Son of Late Manga Charan Das, Trackman-IV, Engineering Dept. CKP Division, P.O. & P.S.-Chakradharpur, Dist-(West)-833102.

27. Sunil Kumar Mandal, aged about 60 years, Son of Late Sundhanshu Shekhar Mandal, Trackman-IV, Engineering Dept. CKP Division, P.O. & P.S.-Chakradharpur, Dist-(West)-833102.

28. Sinu Ram Lugun, aged a bout 54 years, Son of Dulal Lugun, Trackman-IV, Engineering Dept. CKP Division, P.O. & P.S.-Chakradharpur, Dist-(West)-833102.

..... Applicants.

By Advocate : Smt. M.M.Pal, Sr. Advocate

-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 :- Ms. Shivani Kapoor, proxy counsel on behalf of Shri Prabhat Kumar, ld. SC



ORDER [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 Ms. Shivani Kapoor, proxy counsel for Shri Prabhat Kumar, SC has appeared for respondents.

2. Learned counsel Mrs. M.M.Pal presses the OA and urged that applicants were appointed in Safety category and most of them are 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 applicants were falling within the ambit of scheme and, therefore, some of them applied for VRS with request for appointment of their sons/wards in year 2015 and rest in July 2017. That respondent authorities for the reason best known to them did not complete the process of their retirement and appointment of their sons 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 keep 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 petitions, OA and SLP etc., relating to LARSGESS scheme by different candidates thereafter were also preferred on the file of various Benches 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 applicants, 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. (c) 219/2019 and argued further that applicants made representations to the respondents and their representations are still pending. That under RTI, applicants come to know that the respondent authorities did not take any action on their representations. That under RTI, they were informed by Public Relation Officer of the respondents that LARSGESS has been terminated and as such, no action has been taken to process the applications.

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 applicants. That the Tribunal has also given direction to the respondents time and again but discrimination has been done with the applicants and their representations have not yet been decided. She concluded that one of the prayer in the OA is for direction to consider the case of these applicants for their VRS vis a vis for employment of their respective wards in terms of Order dated 26.03.2019 passed in WP(C) No.219/2019 by Hon'ble Supreme Court 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 applications/representations of the applicants by passing a reasoned and speaking order. Learned counsel for the applicants informed that applicant gave the applications to avail benefit of LARSGESS Scheme and copy of their representation is Annexure A/9 series. She submits that respondent no. 3 is the competent authority to redress the grievances of the applicants.

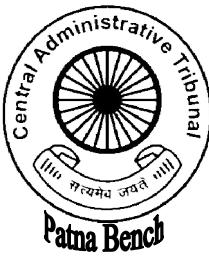
6. Learned counsel for the respondents urged that she has no objection if OA is disposed of with direction to the respondents to dispose of the representations of the applicants. She also states that respondent no. 3 is the competent authority to take decision.

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 applications/representations of the applicants 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 stands disposed of. Pending MA, if any also stands disposed of.



[Sunil Kumar Sinha]
Member (A)

sk/-

[M.C. Verma]
Member (J)