

**CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH, AHMEDABAD.**

OA No.251/2021

This the 13th day of July, 2021.

**Coram : Hon'ble Shri Jayesh V.Bhairavia, Member (J)
Hon'ble Dr. A.K.Dubey, Member (A)**

Khushal Harkant Purohit
Aged 27 years (DoB being 15.9.1993)
Son of Late Shri Harkant G.Purohit
Address for communication
No.C-59, Street No.3-A,
New Swati Park, Kothariya Road,
Rajkot – 360 022. Gujarat Applicant

(By Advocate : Shri M.S.Rao)

Versus

1. Union of India
To be represented through its
Special Secretary to the Govt. of India
Ministry of Railways & Ex.-Officio Chairman,
Railway Board, Rail Bhavan,
New Delhi – 110001.
2. Western Railway
To be represented through the General Manager (E)
Western Railway, Hqrs.,
Churchgate, Mumbai 400 020.
3. The Divisional Railway Manger (E)
Bhavnagar Division, Western Railway
O/o. DRM/E
Bhavnagar Division, W. Rly.,
Bhavnagar Para, Bhavnagar 364 001..... Respondents

(By Advocate : Shri M.J.Patel)

ORDER (ORAL)

Per : Hon'ble Shri J.V. Bhairavia, Member (J)

1. Aggrieved by the rejection of the representation with respect to claiming benefits under LARSGESS, the applicant herein has filed the present OA under Section 19 of the Administrative Tribunals Act, 1985. The decision of the DRM's Office of Bhavnagar dated 19.06.2020 (Annexure A/1) is impugned herein. In support of the challenged of the said impugned decision, the applicant has placed various grounds and documents. Advanced copy of the said OA has been served upon the Standing counsel for the Railways, Shri M.J.Patel. Today, he appeared on receipt of the said advanced copy. At the outset, Shri M.J.Patel, placed on record, a copy of recent judgment passed by the Hon'ble Supreme Court in **Writ Petition (C) No. 78/2021** in the case of **Manjit & Ors. v/s. Union of India & Anr.** decided on 29.01.2021. Standing counsel Shri M.J.Patel submits that three Judge Bench has decided the lis regarding the claim under LARSGESS Scheme. He draws our attention to the observations made by the Hon'ble Supreme Court at para 3 to 9 in the said order. For the sake of brevity, the same is reproduced as under :

"3. On 5 March 2019, the Union of India took a decision to terminate the Scheme. The decision of the Union of India was noticed in an order dated 6 March 2019, in the following terms:

"In compliance of the directions of the Hon'ble Punjab & Haryana High Court dated 27.04.2016 in CWP No.7714 of 2016, dated 14.07 .2017 in RA-CW-330-2017 and Orders of

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Hon'ble Supreme Court dated 08.01.2018 in SLP (C) No.508/2018, Ministry of Railways have revisited the LARSGESS Scheme duly obtaining legal opinion and consulted Ministry of Law & Justice. Accordingly, it has been decided to terminate the LARSGESS Scheme w.e.f. 27.10.2017 i.e. the date from which it was put on hold. Therefore, no further appointments should be made under the Scheme subject to position mentioned in para 2 below.

2. As regards the cases where the wards had completed all formalities including Medical Examination under LARSGESS Scheme prior to 27.10.2017 and were found fit, but the employees are yet to retire, the matter is pending consideration before the Hon'ble supreme Court and further instructions would be issued as per directions of the Hon'ble Court.”

4. *Following the above decision, on 6 March 2019, this Court disposed of IA 18573 of 2019 in Miscellaneous Application No 346 of 2019 in Miscellaneous Application No 1202 of 2018 in SLP (C) No 508 of 2018 by observing that “since the Scheme stands terminated and is no longer in existence, nothing further need be done in the matter”.*

5. *In a subsequent order dated 26 March 2019, which was rendered in Writ Petition (C) No 219 of 2019 (Narinder Siraswal v Union of India), a Bench of two Judges permitted the petitioners to approach the authorities with an appropriate representation with a direction to consider it.*

6. *The reliefs which have been sought in the present case, as already noted earlier, are for a writ of mandamus to the Union of India to appoint the petitioners in their respective cadres. A conscious decision has been taken by the Union of India to terminate the Scheme. This has been noticed in the order of this Court dated 6 March 2019, which has been extracted above. While taking this decision on 5 March 2019, the Union of India had stated that where wards had completed all formalities prior to 27 October 2017 (the date of termination of the Scheme) and were found fit, since the matter was pending consideration before this Court, further instructions would be issued in accordance with the directions of this Court. Noticing the above decision, this Court, in its order dated 6 March 2019, specifically observed that*

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since the Scheme stands terminated and is no longer in existence, nothing further need be done in the matter. The Scheme provided for an avenue of a back door entry into the service of the railways. This would be fundamentally at odds with Article 16 of the Constitution. The Union government has with justification discontinued the scheme. The petitioners can claim neither a vested right nor a legitimate expectation under such a Scheme. All claims based on the Scheme must now be closed.

7. In view of the above factual background, we are not inclined to entertain the petition under Article 32. The grant of reliefs to the petitioners would only enable them to seek a back door entry contrary to the orders of this Court. The Union of India has correctly terminated the Scheme and that decision continues to stand.

8. Having regard to the above facts and circumstances, the petition is dismissed. A certified copy of this order shall be forwarded by the Registrar (Judicial) to the Chairman of the Railway Board for intimation and compliance.

9. Pending application, if any, stands disposed of.”

2. Counsel for the applicant, Shri M.S.Rao fairly submits that dictum of the Hon'ble Supreme Court in the aforesaid case, indeed resolved the lis involved in this OA.
3. We have perused the material on record and the claim of the applicant for grant of benefit under LARSGESS Scheme has been rejected by speaking order. We do not find any reason to interfere with it, more particularly, in the light of the dictum laid down by the Hon'ble Supreme Court in the case of **Manjit & Ors. v/s. Union of India & Anr.**, (Writ Petition (C) No.78/2021) that :

“ALL CLAIMS BASED ON THE SCHEME MUST NOW BE CLOSED.”

4. Hence, the OA is dismissed at the admission stage. No order as to costs.

(A.K.Dubey)
Member (A)

(J.V.Bhairavia)
Member (J)

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