



**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

ORIGINAL APPLICATION NO. 060/00218/2021

DATED THIS THE 22nd DAY OF SEPTEMBER, 2021

CORAM:

HON'BLE SHRI SURESH KUMAR MONGA, MEMBER (J)

(On video conference from Central Administrative Tribunal, Chandigarh Bench, Chandigarh)

HON'BLE SHRI RAKESH KUMAR GUPTA, MEMBER (A)

(On video conference from Central Administrative Tribunal, Bangalore Bench, Bangalore)

Pawan Kumar aged 29 Years S/o Sh. Sohan Lal, resident of Dhani Sucha Singh, Abohar Distt. Fazilka (Pb.).

....Applicant

(By Advocate Sh. Surinder Garg – through video conference)

Vs.

1. Union of India through its Secretary, Ministry of Railways (Railway Board)
Baroda House, New Delhi.
2. The General Manager, Northern Railways, Baroda House, New Delhi.
3. The Divisional Railway Manager, Divisional Office, Northern Railway,
Ambala Cantt. Distt. Ambala (Haryana).
4. Senior Divisional Personnel Officer, Northern Railways, Ambala Cantt.
Distt. Ambala (Haryana).

.....Respondents

(By Advocate Sh. Sanjay Goyal – through video conference)



O R D E R (ORAL)

PER: SURESH KUMAR MONGA, MEMBER (J)

1. The present Original Application has been filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985 making therein a prayer for quashing the orders dated 22.07.2020 (Annexure A-4), 11.09.2020 (Annexure A-6) and 22.09.2020 (Annexure A-7). A further prayer has been made for issuance of a direction to respondents to consider his case for appointment under the Liberalized Active Retirement Scheme for Guaranteed Employment for Safety Staff (hereinafter called as LARSGESS Scheme) and also to provide all consequential benefits such as re-fixation of pay, seniority and arrears of pay.
2. At the very outset, Sh. Sanjay Goyal, learned counsel for the respondents submitted that since the respondents have discontinued the LARSGESS Scheme, therefore, the applicant cannot be permitted to lay a claim of his appointment under the said Scheme. Learned counsel further submitted that recently the matter has been considered by the Hon'ble Supreme Court in **Manjit and Ors. Vs. Union of India and Ors.** (Writ Petition (Civil) No. 78 of 2021 decided on 29.01.2021) and a similar claim has been declined by the Hon'ble Supreme Court with the observations that the petitioners can neither claim a vested right nor a legitimate expectation under such a Scheme and all claims based on the said Scheme must now be closed.
3. We have perused the records of the case and the judgment rendered by the Hon'ble Supreme Court in Manjit's case (supra).
4. In view of the observations made by the Hon'ble Supreme Court, all



claims based on the LARSGESS Scheme are now required to be closed.

The relevant observations made by the Hon'ble Supreme Court in paragraph 6 of the judgment in Manjit's case (supra) are reproduced herein below:-

“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 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.”

5. In view of the above observations made by the Hon'ble Supreme Court in Manjit's case (supra) to the effect that all claims based on the LARSGESS Scheme must now be closed, no relief can be granted to the applicant in the present case.
6. Accordingly, the Original Application is hereby dismissed.
7. However, there shall be no orders so as to costs.

(RAKESH KUMAR GUPTA)
MEMBER (A)

(SURESH KUMAR MONGA)
MEMBER (J)



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