CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH LUCKNOW

(HEARING THROUGH VIDEO CONFERENCING)

Sl. No. 3

Dated: 14.12.2020

Joint Appl: 332/00722/2020
In O.A. No. 332/00311/2020

1. Raees Ahmad, aged about 64 years, Son of Shri Rafiq, presently residing at- Gauriganj, Amethi.

2. Dhram Singh, aged about 66 years, Son of Shri Moti, presently, residing at – Tiloi, Amethi.

3. Ram Ratan Singh, aged about 65 years, Son of Shri Khidri, presently residing at – 16, Viveknagar, Raebareily.

4. Sri Ram, aged about 65 years, Son of Shri Chetram Singh, presently residing at- Baldirai, Sultanpur.

5. Akthar, aged about 66 years, Son of Shri Sultan, presently residing at- Milkipur, Ayodhya.

6. Ram Kishan, aged about 65 years, Son of Shri Mukhram, presently residing at- Bacchrawan, Raebareily.

7. Phool Chand, aged about 65 years, son of Shri Dharma, presently residing at – Gauriganj, Amethi.

……Applicants

By Advocate: Shri Praveen Kumar

VERSUS

1. Union of India, through General Manager, Northern Railway, Baroda House, New Delhi.

2. The Divisional Railway Manager, Northern Railway, Moradabad.

3. The Sr. Divisional Personnel Officer, Northern Railway, Moradabad.

……Respondents

By Advocate: Ms. Prayagmati Gupta

ORDER (ORAL)

HON'BLE MR. A. MUKHOPADHAYA, MEMBER (A)

Joint Application No.332/00722/2020 under Rule 4(5)(a) pursuing the case jointly is allowed as the applicants are similarly situated with a common cause of action.

2. At the outset, Shri Praveen Kumar, learned counsel for the applicant submitted that this case arises out of the circumstances under which the Safety Related Retirement Scheme (SRRS) of the respondents' Railways, later converted /merged into the Liberalized Active Retirement Scheme for Guaranteed Employment for Safety Staff, (LARSGESS), was discontinued vide Railway Board Circular No. E (P&A)-2015/RT-43 dated 26.09.2018 the relevant portion of which stated as follows:

"**Accordingly, it has been decided to terminate the LARGESS scheme w.e.f. 27.10.2017 i.e. the date from which it was put on hold. No further appointments should be made under the scheme except in case where employees have already retired under the LARGESS scheme before 27.10.2017 (but not normally superannuated) and their wards could not be appointed due to scheme having been put on hold in terms of Board's letter dated 27.10.2017 though they had successfully completed the entire process and were found medically fit. All such appointments should be made with the approval of competent authority."**

Learned counsel stated that while this circular of 26.09.2018 terminated the LARSGESS Scheme w.e.f 27.10.2017, it also allowed for

consideration of those cases under the erstwhile scheme where the employee had retired under the LARSGESS scheme before 27.10.2017 and had not normally superannuated. He stated that applicant's case fell in this category and also met the other conditionalities for appointment under the scheme in terms of the 26.09.2018 circular of the respondents quoted earlier. Shri Praveen Kumar, learned counsel for the applicant, further argued that in such cases, the procedure to be followed by the respondent Railways is governed by their own circular dated 12.07.2019, (Annexure A-7), reiterated by their circular dated 06.01.2020, (Annexure A-10), and that as directed in these circulars, the respondents Railways are mandatorily required to consider the applicant's representation based on the factual matrix of his case in terms of the 26.09.2018 circular. Finally, he stated that he would be satisfied if a direction is given to the respondents to dispose of the representation dated 08.08.2019 already given by the applicants under the above detailed dispensation, (Annexure A-8), within a reasonable period of time, after affording the applicant an opportunity of hearing, so that he can better explain the facts and circumstances relating to his case.

3. At this, Ms. Prayagmati Gupta, learned counsel for the respondents, requested that atleast three months time be allowed to the respondents in order to dispose of the representation given by the applicant in the manner suggested.

4. Accordingly, looking to the limited nature of the plea made by the applicant's counsel and without entering into the merit of the case while keeping in view the circulars of the respondents Railways dated 26.09.2018, 12.07.2019 and 06.01.2020, I deem it appropriate to direct the respondents to consider and dispose of the representation dated 08.08.2019, (Annexure A-8), made by the applicant, within a period of three months after receipt of certified copy of this order, by way of a reasoned and speaking order in the light of law laid down by the Hon'ble

Apex Court in this regard and followed vide Railway Board circulars dated 26.09.2018 and 12.07.2019. The matter shall be disposed of after affording the applicants an opportunity of personal hearing.

5. O.A is disposed of at the admission stage itself accordingly. There will be no order as to costs.

(A.MUKHOPADHAYA)
MEMBER (A)

JNS