

**CENTRAL ADMINISTRATIVE TRIBUNAL  
CHANDIGARH BENCH**

**OA. No. 060/00688/2014**

**Chandigarh, this 11<sup>th</sup> day of March, 2015**

**CORAM: HON'BLE MRS. RAJWANT SANDHU, MEMBER(A)  
HON'BLE DR. BRAHM A. AGRAWAL, MEMBER(J)**

Chander Bhukan, son of Ram Dhan, Gateman, resident of Gate No. 137-C, Nanak Chand, Manakpur, Tehsil Kalka, District Panchkula (Haryana).

..... Applicant

Versus

1. Union of India through the Secretary to Government of India, Ministry of Railway, Baroda House, New Delhi.
2. The General Manager, Northern Railway, Baroda House, New Delhi.
3. The General Manager (Personnel), Northern Railway, Baroda House, New Delhi.
4. The Senior Divisional Railway Manager (Personnel), Northern Railways, Ambala Cantt.
5. The Senior Divisional Personnel Officer, Northern Railway, Ambala Cantt.
6. The Divisional Railway Manager (Personnel), Ambala Cantt.

..... Respondents

**Present:** Sh. Dhirender Chopra, counsel for the applicant.


Sh. R.T.P.S. Tulsi, counsel for the respdts.




**ORDER****HON'BLE MRS. RAJWANT SANDHU, MEMBER(A):-**

1. This OA has been filed under Section 19 of the Administrative Tribunals Act, 1985, seeking the following relief:-

- “(i) That, the impugned letter/order dated 21.02.2012 (Annexure A-1) be quashed and set aside. It be declared that the ward of the applicant being eligible as on 30.06.2010 cannot be declared ineligible on the basis of subsequent decision taken in 2011 adversely affecting him retrospectively.
- (ii) That the applicant be held entitled to all the consequential benefits.
- (iii) That the respondents be directed to give appointment to the ward of the applicant in view of the LARSGESS as the ward of the applicant had requisite educational qualification when the applicant applied under the LARSGESS.”

2. This OA is directed against the letter No. 36/E/O/Policy/P-4/UMB, dated 21.02.2012 (Annexure A-1) issued by the Senior Divisional Personnel Officer, Northern Railway, Ambala Cantt. whereby call letter has not been issued to the ward of the present applicant who had opted under LARSGESS due to the reason being “8<sup>th</sup>”, despite the fact that the applicant and his ward's names find mention in the list issued by the Divisional Railway Manager (Personnel) dated 07.04.2011 (Annexure A-2) bearing letter No. 807-E/O/VRS/P.A. 

3. It has further been stated that the applicant is an employee of Northern Railway working under the Divisional Office, Ambala Cantt and was in the age group of 50 to 57 years and as per Railway Board's letter No. E (P&A) 12010/RT-2 (131/2010) dated 11.09.2010 (Annexure A-4) read with Railway Board's letter No. E(P & A) 1-2010/RT-2 dated 29.03.2011 (Annexure A-5), the educational qualification of the ward of the applicant was "8<sup>th</sup>" class, was eligible to apply under the LARSGESS. The applicant had come to know that respondents have rejected the claim of the applicant and are not calling his ward for appointing him against his place by holding him "8<sup>th</sup>", vide letter No. 36/E/O/Policy/P-4/UMB, dated 21.02.2012 (Annexure A-1) issued by Senior Divisional Personnel Officer, Northern Railway, Ambala Cantt-Respondent No. 5. This letter was never conveyed to the applicant and the applicant got the copy of this letter on 10<sup>th</sup> August, 2014 which is totally arbitrary, illegal and unjust despite the fact that the applicant and his ward namely, Ranjit Kumar was found eligible for the retirement/recruitment process under the LARSGESS Scheme. 

4. In the written statement filed on behalf of the respondents, preliminary objection has been taken that the OA is barred by limitation. The cause of action, if any, arose on 21.02.2012 when the impugned letter at Annexure A-1 was issued. Applicant has been grossly negligent in pursuing his alleged claim and has failed to show sufficient cause for the intervening delay of 535 days in filing the present OA.

5. It has further been stated that the scheme is a package consisting of invitation to an offer for seeking voluntary retirement by a railway employee holding defined safety category post and simultaneous recruitment of his ward under the rules for direct recruitment from the open market as mentioned in para 2(iii), (x), (xii) etc. of the Scheme at Annexure R-1 read with para 5 of the extended Scheme at Annexure R-2. The applicants' case is fully covered by the law laid down by this Tribunal in bunch of cases – leading case OA No. 912-PB-2013 titled Ganpat & Ors. Vs. KG.M. Northern Railway pronounced on 17.01.2014 (Annexure R-4). The impugned order dated 21.02.2012 (Annexure A-1) was also the subject matter of challenge in the case of Ganpat (supra).

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6. It has further been stated that clause 2(x) of the Scheme at Annexure R-1 provides that the discretion to accept the request for retirement will vest with the Administration depending upon the shortage of staff, physical fitness and suitability of the ward....” This leaves no room of doubt that applicants cannot claim the benefit of the scheme as a legal right. Even voluntary retirement is subject to sole discretion of the respondents and fulfillment of the prescribed conditions of retirement/recruitment under the policy and the extant Rules. More so, when in case of all the 92 employees, the reason for rejection is that their wards do not fulfil the prescribed educational qualification of 10<sup>th</sup> pass or equivalent as on the prescribed cut-off date July 2011. The name of the employees declared ineligible, figure under the impugned order at Annexure A-1.

7. When the matter was taken up for consideration today, learned counsel for the applicant fairly submitted that the claim made in the OA was covered against the applicant by Ram Asre Vs. UOI, OA No. 694/HR/2013.

8. Learned counsel for the respondents stated that since the applicant's ward did not meet the education criteria for

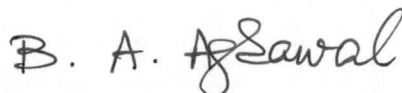
18 —

recruitment in Pay Band I of Rs. 5200-20200 having Grade Pay of Rs. 1800 which was Xth pass while the applicant was only 8<sup>th</sup> pass, his application had rightly been rejected as being ineligible under LARSGESS. Hence, there was no merit in this OA.

9. Having considered the pleadings of the parties and arguments advanced by the learned counsel, we conclude that the applicant's ward did not fulfil the education criteria of 10<sup>th</sup> pass for recruitment against the post under LARSGESS for which he had applied, which was in the Pay Band of Rs. 5200-20200 having Grade Pay of Rs. 1800 as per letter dated 9.12.2010, and hence, the case of the applicant's ward for selection under LARSGESS had been rightly rejected. OA is therefore dismissed. No costs.



(RAJWANT SANDHU)  
MEMBER(A)



(DR. BRAHM A. AGRAWAL)  
MEMBER(J)

Dated: 11.3.2015

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Central Administrative Tribunal  
Chandigarh Bench Sector -17.  
Chandigarh.

Subject :- Particular of order challenged in the Hon'ble High Court of  
Punjab and Haryana at Chandigarh.

Order dated 17/4/17 (Flag 'A') by Hon'ble Punjab and  
Haryana High Court in C.W.P. No 22576/2016 Under  
Article 226/227, of the Consitution of India from the Judgement and  
order dated 11/03/2015 (Flag 'B' of the Central Administrative  
Tribunal, Chandigarh Bench at Chandigarh in O.A. No. 60/688/2014  
Delivered by Hon'ble Mrs. Rajwant Sundby Member (A)  
and Hon'ble Mr. Dr. Brahm A. Aggarwal Member (B).

Chander Bhuvan

Versus VOZ & Co.

Applicant in C.W.P.

Respondents in C.W.P.

1. *The writ petition is dismissed.*

2. The main case is placed below  
submitted for information please.

*my 21/6/17*  
Deputy Registrar

*dy 3/7/17*

Registrar

*Submitted for information please* *sf 3/7/17*

Hon'ble Member (J)/ HOD.

*Seen*

Hon'ble Member (J- II)

*Latier 14/7/17*

Hon'ble Member (A-I)

Hon'ble Member (A-II)

*He 21/5/17*

*Seal*

*3-7-17*

*Man 30/6/2017*  
RECORD INCHARGE.

Dismissed

599  
6/6/17

W-8

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH  
No. \_\_\_\_\_ WRITS/W-8/DATED : \_\_\_\_\_

To,

1. Union of India, through the Secretary to Government of India,  
Ministry of Railways, Baroda House, New Delhi.
2. The General Manager, Northern Railways, Baroda House, New  
Delhi.
3. The General Manager (Personnel), Northern Railways, Baroda  
House, New Delhi.
4. The Senior Divisional Railway Manager (Personnel), Northern  
Railway, Ambala Cannt.
5. The Senior Divisional Personnel Officer, Northern Railway,  
Ambala Cannt.
6. Divisional Railway Manager, Northern Railway, Ambala  
Division, Ambala.
7. Central Administrative Tribunal, Chandigarh Bench, through  
its Registrar, Sector: 17, Chandigarh.

Subject :- CWP No. 22576 of 2016

Chander Bhukan

Petitioner(s)

Versus

Union of India and others

Respondent(s)

Sir,

I am directed to forward herewith a copy of order dated 17.4.2017  
passed by the Hon'ble High Court in the above noted Civil Writ Petition for  
immediate strict compliance.

Given under my hand and the seal of this court on this 20th day of  
April, 2017.

SUPERINTENDENT (WRITS)  
FOR ASSISTANT REGISTRAR (WRITS)

940  
14/06/17

Law  
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19/6/17  
20/6/17  
Referred to Law



**IN THE HON'BLE PUNJAB AND HARYANA HIGH COURT  
CHANDIGARH.**

**C.W.P. NO. 22576 /2016 (CAT) ✓**

Chander Bhukan, s/o Sh. Ram Dhan, working as Gateman in the ✓  
office of Sr. Section Engineer, Northern Railway, Chandigarh,  
resident of Gate No. 137-C, Nanak Chand, Manakpur, Tehsil  
Kalka, District Panchkula (Haryana).

**..... Petitioner**

**Versus**

1. Union of India, through the Secretary to Government of India, ✓  
Ministry of Railways, Baroda House, New Delhi.
2. The General Manager, Northern Railways, Baroda House, New  
Delhi.
3. The General Manager (Personnel), Northern Railways, Baroda  
House, New Delhi.
4. The Senior Divisional Railway Manager (Personnel), Northern  
Railway, Ambala Cantt.
5. The Senior Divisional Personnel Officer, Northern Railway,  
Ambala Cantt.
6. Divisional Railway Manager, Northern Railway, Ambala  
Division, Ambala.
7. Central Administrative Tribunal, Chandigarh Bench, through  
its Registrar, Sector: 17, Chandigarh.

**..... Respondents**

CIVIL WRIT PETITION under Articles 226/227 of the Constitution of India for issuance of a Writ in the nature of Certiorari for quashing impugned Order dated 11.3.2015 (Annexure P-3) vide which Original Application No. 060/00688/2014 filed by petitioner has been Dismissed by the respondent No. 4 wherein the petitioner had challenged the office letter/order dated : <sup>a</sup>2.2012 (Annexure A-1 with P-1) whereby his claim for appointment as Khalasi under the LARSGES Scheme of the respondents was rejected on the ground that the petitioner has not fulfilled the eligibility condition of education qualification required under the rules as .

**AND**

For issuance of a writ of Mandamus directing the respondents to appoint the Ward of Petitioner on the post of Khalasi from due date along with all consequential benefits as he has already qualified the test under the LARSGESS Scheme

**AND/ OR**

For grant of any other relief which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.22576 of 2016

Date of Decision: April 17, 2017

Chander Bhukan

.....Petitioner

versus

Union of India and others

.....Respondents

**CORAM: HON'BLE MR.JUSTICE SURYA KANT.**

**HON'BLE MR.JUSTICE SUDIP AHLUWALIA.**

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Present: Mr.P.M.Kansal, Advocate, for  
Mr.D.R.Sharma, Advocate, for the petitioner.

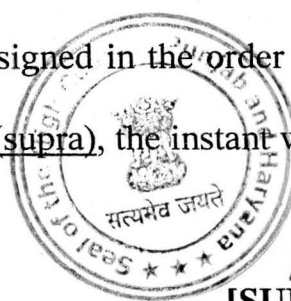
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**Surya Kant, J.** (Oral)

This writ petition laid challenge to the order dated 11.03.2015 passed by the Central Administrative Tribunal, Chandigarh Bench, whereby the petitioner's Original Application was dismissed and his claim for appointment of his son under the LARSGES Scheme of Railways has been turned down.

Learned counsel for the petitioner fairly concedes that similar controversy arose for consideration of this Court in CWP No.7714 of 2016 (Kala Singh and others versus Union of India and others) which was dismissed on 27.04.2016.

For the reasons assigned in the order dated 27.04.2016 passed in Kala Singh and others' case (supra), the instant writ petition also fails and is dismissed accordingly.



*sd*  
[SURYA KANT]  
JUDGE

*sd*  
[SUDIP AHLUWALIA]  
JUDGE

*4* April 17, 2017  
*mohinder*

Whether speaking/reasoned :  
Whether Reportable :

Yes/No  
Yes/No

FA Added.  
Caw  
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