

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

OA. No. 060/01094/2014

Reserved on: 10.04.2015

Pronounced on: 16.4.2015

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

1. Harish Chander S/o Sh. Tulsi Dass, retired as Khalasi, S&T, Khalasi, Bikaner Division, Bathinda, now resident of Street No. 4, Hans Nagar, near MHR School, Bathinda – 151 001.
2. Rohit Kumar S/o Sh. Harish Chander, R/o Street No. 4, Hans Nagar, near MHR School, Bathinda – 151001.

..... Applicant

Versus

1. Union of India through the Secretary to Government of India, Ministry of Railways, Rail Bhawan, New Delhi.
2. General Manager, Department of Railways (North-Western Railways), Baroda House, New Delhi.
3. Divisional Railway Manager, North-Western Railways, Bikaner, Rajasthan.
4. Sr. Section Engineer (Signal), North-Western Railways (Bikaner Division), Bathinda – 151001.

..... Respondents

Present: Sh. R.P. Singh, counsel for the applicant.
None 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 respondents may be directed to consider the application submitted by the applicant No. 1 to them through proper channel which was forwarded by respondent No. 4 to respondent No. 3 vide letter dated 30.10.2010 (Annexure A-1).
- (ii) That the respondents be directed to select and appoint the applicant's son to the post he is eligible for as per his qualification and to give the benefit of the said scheme to him.”

2. It has been stated in the OA that applicant No. 1 joined the respondent department as Khalasi on regular basis on 9.8.1980 and retired on the same post on 30.11.2013 in the pay scale of Rs. 5200-20200 with Grade Pay of Rs. 2400. Earlier, the employees of the Safety Category in the Grade Pay of Rs. 1800 were eligible under the Safety Related Retirement Scheme. Vide letter dated 07.10.2010 issued by the Railway Board, employees working in the Grade Pay of Rs. 1800 and getting higher pay by virtue of MACPS, were also held eligible under LARSGESS (Annexure A-5). The applicant No. 2 being fully eligible under LARSGESS applied for selection under the same and applicant No. 1 applied for voluntary retirement in 2010 on the prescribed proforma as he had completed more than 20 years of service and was of 56 years of

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age as his date of birth was 15.11.1953. This application was forwarded by respondent No. 4 to respondent No. 3 vide letter dated 30.10.2010 (Annexure A-1). However, applicant No. 1 was never informed by the respondents about acceptance/rejection of his application for VRS under LARSGESS till the time of his retirement on 30.11.2013. Hence this OA.

3. In the short reply filed on behalf of the respondents, it has been stated that applicant No. 1 who was a Helper in the S & T Department was not eligible till the Circular dated 11.9.2011 (Annexure A-4) renamed the 2004 Scheme as Liberalized Active Retirement Scheme for Guaranteed Employment (LARSGESS) extended the Scheme to some other safety categories in Grade Pay of Rs. 1800 and reduced their service requirement to 20 years. However, by the time Annexure A-4 was issued, the last date of submitting the applications for the year 2010 had already expired on 31.7.2010. On 29.3.2011 (Annexure R-1), the Railway Board extended the process of retirement/recruitment to twice a year i.e. 1st January and 1st July every year with last dates for applications being 31st January and 31st July respectively. The process of retirement/recruitment was to start from July 2011 for the current calendar year 2011. Hence, the applicant could apply between 1.7.2011 to 31.7.2011, but did not apply since he had already crossed maximum

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age of 57 years on 15.11.2010. The applicant had not challenged his retirement on superannuation on 30.11.2013. A retired employee is not eligible to claim the benefit of the Scheme Annexures A-1 & A-4. The applicant's request (Annexure R-2) dated 14.3.2012 for the benefit under LARSGESS could not be considered as being received after the last dates of 31st January and 31st July of the respective years 2012 & 2011. He was informed accordingly vide Annexure R-2 on 28.3.2012, but the applicant has concealed this material fact.

4. Rejoinder has not been filed on behalf of the applicant.
5. When the matter was taken up for consideration today, learned counsel for the applicant reiterated the content of the OA and claimed that the case of the applicants under LARSGESS could have been considered at any time till the date of his retirement i.e. 30.11.2013 and hence, the OA was within limitation. He also narrated the background of the matter and claimed benefit under LARSGESS in favour of applicant No. 2.
6. Since none was present on behalf of the respondents, Rule 16 of the CAT Procedure Rules, 1987 was invoked and we proceed to decide the case.

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7. We have given our careful consideration to the pleadings of the parties, the material on record and the arguments advanced by learned counsel for the applicant. The selection under LARSGESS was held for the first time under the North-Western Railways in 2011 and as on 30.6.2011, the applicant No. 1 was clearly overage and hence, the claim of the applicant for voluntary retirement and simultaneous employment of his son under LARSGESS was clearly not maintainable. Besides, applicant No. 1 retired on 30.11.2013 after completing the age of 60 years. In this view, we are supported by the judgement in OA No. 912/PB/2013 titled **Ganpat & Ors. Vs. UOI & Ors.** and OA No. 694/HR/13 titled **Ram Asre & Anr. Vs. UOI & Ors.**

8. In view of the above discussion, there is no merit in this OA and the same is rejected. No costs.

(RAJWANT SANDHU)
MEMBER(A)

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

Dated: 16.4.2015

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