

CENTRAL ADMINISTRATIVE TRIBUNAL

CHANDIGARH BENCH

(Reserved on 23.01.2015)

Chandigarh, this the ^{3rd} day of January, 2015

CORAM: HON'BLE MR.SANJEEV KAUSHIK, MEMBER(J)
HON'BLE MRS.RAJWANT SANDHU, MEMBER(A)

(I) OA. 060/00464/14
MA No. 060/00738/14

1. Ashrafi Lal, son of Dasoo, Trackman, resident of Damodarpur, Near D.M. Kothi, Saharanpur (Uttar Pradesh).
2. Yasin, son of Zahoor, Trackman, resident of Indra Chowk, near Shakila Masjid, Tehsil and District Saharanpur (Uttar Pradesh).

.....Applicant

BY ADVOCATE: SH. GURINDER SINGH VICE SH. DHIRINDER CHOPRA

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 Railways, Ambala Cantt.

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5. The Senior Divisional Personnel Officer, Northern Railway, Ambala Cantt.
6. The Divisional Railway Manager-cum-Senior Divisional Railway Manager, Ambala.
7. The Station Superintendent, Ambala Division, Ambala Cantt.
8. The Senior Block Engineer, Divisional Office, Ambala Cantt.
9. The Senior Block Engineer, Doraha, District Ludhiana.

.....Respondents

BY ADVOCATE: **SH. R.T.P.S. TULSI**

(II) OA. 060/00465/14
MA No. 060/00739/14

Abdul Wahid, son of Ramzani, Trackman, resident of House No. 606, Azad Mandi, Near Mandi Samiti, Tehsil and District Saharanpur (Uttar Pradesh)

.....Applicant

BY ADVOCATE: **SH. GURINDER SINGH VICE SH. DHIRINDER CHOPRA**

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.
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4. The Senior Divisional Railway Manager (Personnel), Northern Railways, Ambala Cantt.
5. The Senior Divisional Personnel Officer, Northern Railway, Ambala Cantt.

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6. The Divisional Railway Manager-cum-Senior Divisional Railway Manager, Ambala.
7. The Station Superintendent, Ambala Division, Ambala Cantt.
8. The Senior Block Engineer, Divisional Office, Ambala Cantt.
9. The Senior Block Engineer, Doraha, District Ludhiana.

.....Respondents

BY ADVOCATE: SH. R.T.P.S. TULSI

ORDER

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

1. Through both these OAs, the relief sought is as follows:-
 - "(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, respondents be directed to give appointment to the ward of the applicant in view of the LARSGESS Scheme as the ward of the applicant had requisite educational qualification when the applicant applied under the LARSGESS Scheme."
2. MAs No. 060/00738 & 060/00739/14 have also been filed for condonation of delay of 459 days in filing the OAs on the ground that the applicants were never informed by the respondents about the decision taken on their applications under the LARSGESS Scheme and the applicants only got the copy of letter No. 36/E/0/Policy/P-4/UMB dated 21.02.2012 on 22.5.2014.

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3. Written statements have been filed on behalf of the respondents rejecting the claims of the applicants in the OAs and citing order of 18.6.2012 of the Madras Bench of CAT in OAs No. 1522-1527 of 2011 titled **A. Arumugam & Ors. Vs. Chairman Railway Board etc.** (Annexure R-4) and order dated 2.12.2014 of the CAT Chandigarh Bench in RA No. 060/00121/2014 in OA No. 694/HR/2013 titled **Ram Asre & Ors. Vs. UOI & Ors.** (Annexure R-5).

4. No rejoinder has been filed on behalf of the applicant in spite of sufficient opportunity being allowed in this regard. Moreover, the last time that Sh. Dhirinder Chopra, counsel for the applicants put in appearance in these cases was on 30.05.2014. Thereafter, either the applicants have not been represented or proxy counsel has appeared.

5. Today, when the matter came up for consideration, Sh. Gurinder Singh, learned proxy counsel for Sh. Dhirinder Chopra requested further time to file replication.

6. Sh. R.T.P.S. Tulsi, learned counsel for the respondents stated that point at issue in these OAs had already been decided in OA No. 912/PB/13 titled **Ganpat & Ors. Vs. UOI**, OA. No. 694/HR/13 titled **Ram Asre & Ors. Vs. UOI** and through RA No. 060/00121/2014 in OA

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No. 694/HR/2013 titled Ram Asre & Ors. Vs. UOI & Ors and hence, being a covered matter, these OAs should be dismissed.

7. Keeping in view the position stated above and having carefully perused the pleadings of the parties and having heard learned counsel, we conclude that the relief claimed through these OAs merits rejection in view of the decisions in Ganpat (supra), Ram Asre (supra) and RA No. 060/00121/2014. Hence, these OAs are rejected. MAs No. 060/00738/14 & 060/00739/14 are also disposed of accordingly. No costs.

8. A copy of this order may be placed in the connected file also.

Rs _____

(RAJWANT SANDHU)
MEMBER(A)


(SANJEEV KAUSHIK)
MEMBER(J)

Dated: 30 January, 2015.

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