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**CENTRAL ADMINISTRATIVE TRIBUNAL,  
CHANDIGARH BENCH,  
CHANDIGARH.**

O.A.No.060/01155/2014

Date of Decision : 11.9.2015  
Reserved on: 04.09.2015

**CORAM: HON'BLE MRS. RAJWANT SANDHU, ADMINISTRATIVE MEMBER  
HON'BLE DR. BRAHM A. AGRAWAL, JUDICIAL MEMBER**

Mohinder Singh, son of S. Chiman Singh, working as Shuntman, office of Station Superintendent, Northern Railway, Bathinda (Punjab).

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Applicant

Versus

1. Union of India through the General Manager, Northern Railway, Baroda House, New Delhi.
2. Senior Divisional Personnel Officer, DRM Office, Ambala Cantt.

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Respondents

Present: Mr. Bipan Sharma, counsel for the applicants  
Mr. R.T.P.S.Tulsi, counsel for the respondents

**ORDER**

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

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

- "8 (i) Quash the order / letter dated 09.02.2012, 15.01.2013, 21.02.2013, 23.03.2013 (Annexures A-1, A-2, A-3 and A-4) vide which the claim of the applicant for appointment of his son under LARSGESS scheme has been rejected illegally and arbitrarily on the ground that he does not fulfill 33 years of service as on 01.07.2013 which is false as he was appointed on 21.03.1978 and as such he duly fulfills more than 33 years of service as on 01.07.2013.
- (ii) Issue direction to the respondents to reconsider the case of the applicant for appointment of his son under LARSGESS scheme from due date or at par with persons who were appointed in pursuance of selection carried out with regard to year 2012 or 2013 with all consequential benefits of arrears of pay and allowance with interest thereon @18% per annum from the date the amount became due to the actual date of payment and seniority etc."

As \_\_\_\_\_


2. Averment has been made in the OA that the applicant whose date of birth is 01.03.1956 joined service as Waterman and ~~was~~ came to be appointed on regular basis (substitute Khalasi) in the pay scale of Rs.196-232 on 21.03.1978. At present, he is working as Shuntman. The Railways issued instructions dated 23.09.2010 (Annexure A-5) extending the benefit of LARSGESS to the safety categories of staff with a Grade Pay of Rs.1800. This Grade Pay was raised to Rs.1900 vide letter dated 28.06.2011 (Annexure A-6). The applicant being eligible for appointment under LARSGESS Scheme submitted application for appointment of his son Sh. Malkeet Singh. However, his claim was rejected vide order dated 09.02.2012 (Annexure A-1) on the ground that he had not completed 33 years of qualifying service. The applicant submitted a representation dated 22.02.2012 (Annexure A-7) mentioning that he had completed service of 33 years, 04 months and 29 days as on 20.08.2011. He was eligible for benefit under the Scheme and in any case vide letter dated 27.07.2011, the criteria of 33 years has been changed to 20 years. His date of appointment on 21.03.1978 as per service record and as such he had completed 33 years, 04 months and 29 days service from 21.03.1978 to 20.08.2011 till the last date of receipt of application. It was followed by a reminder dated 03.05.2012 (Annexure A-8) for reconsidering his case as per rules and instructions and he again requested for grant of appointment to his son Malkeet Singh.

As \_\_\_\_\_.

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3. It is further stated that the respondents issued circular dated 31.06.2012 (Annexure A-9) inviting applications for appointment of eligible candidates under LARSGESS Scheme. The applicant also submitted his application for appointment of his son under aforesaid Scheme vide application dated 31.07.2012. His case was, however, rejected vide order / letter dated 15.01.2013 (Annexure A-2). Hence this O.A.

4. In the written statement filed on behalf of the respondents, it has been stated that as per applicant's service record, his date of screening is 26.03.1985. Therefore, the applicant does not have the requisite qualifying service of 33 years under the LARSGESS, which is mandatory under para 2(iv) of the Scheme at Annexure R-1. This is evident from the content of Annexure A-1 and A-3. The applicant had also made a request through URMU vide their letter dated 25.09.2014 for considering the case of the applicant under the LARSGESS. A copy of the reply dated 29.01.2015 is annexed as Annexure R-4, wherein it was mentioned that the applicant does not have requisite 33 years of service.

5. Arguments advanced by learned counsel for the parties were heard when learned counsel for the applicant reiterated the content of the O.A. and rejoinder and stated that the applicant did indeed meet the criteria of qualifying service for availing LARSGESS. He also referred to Annexure A-15 which is a letter dated 08.12.2014 in this regard. 

6. Learned counsel for the respondents asserted that the applicant had not completed 33 years of service on the date when he applied for LARSGESS. Learned counsel drew attention to letter No.220-E/LARSGESS/Rectt./MPP/UMB dated 29.01.2015 (Annexure R-4) wherein para 1, 2 and 3 reads as follows:

“उपरोक्त संदर्भ में आपको अवगत कराया जाता है, कि कर्मचारी की सेवा पुस्तिका में सब्सटीट्यूट के आधार पर नियुक्ति के संबंध में कोई प्रविष्टि नहीं है, और ना ही कोई प्रमाण लगा है। जिसके लिए कर्मचारी को साक्ष्य प्रस्तुत करने हेतु इस कार्यालय के समसंख्यक पत्र दिनांक 08.12.2014 के द्वारा लिखा गया था, लेकिन कर्मचारी द्वारा कोई भी साक्ष्य (दस्तावेज) एवजी आधार पर नियुक्ति संबंधी प्रस्तुत नहीं किया गया।

कर्मचारी की सेवा पुस्तिका में इंद्राज स्क्रीनिंग तिथि के आधार पर कर्मचारी की अर्हक सेवा 30 वर्ष 09 माह और 07 दिन बनती है, परंतु 01 वर्ष 04 माह और 28 दिन अनुपस्थिति दिवस होने के कारण दिनांक 01.07.2012 को अर्हक सेवा 29 वर्ष 04 माह और 09 दिन रह जाती है।

इसके अतिरिक्त यदि कर्मचारी की नियुक्ति एवजी मानते हुए सेवा अवधि की गणना की जाती है, तब भी उसकी अर्हक सेवा दिनांक 01.07.2012 एवं 01.07.2013 को अनुपस्थिति अवधि को घटाकर 33 वर्ष नहीं बनती तथा दिनांक 01.07.2013 को उसकी आयु भी अधिक हो जाती है, इसलिए श्री मोहिन्द्र सिंह लारजेस योजना के अंतर्गत सेवानिवृत्ति के लिए योग्य नहीं पाया गया।”

Learned counsel stated that the entries in the service record of the applicant had been relied upon in deciding the case of the applicant. These were deemed to be authentic and after absentee period of 01 year 4 months and 28 days was taken into account, the applicant did not complete requisite 33 years service for being considered under LARSGESS. Further, the applicant had crossed age of 57 years on 1<sup>st</sup> March 2013 and hence for selection for 2013, the applicant was over age. Learned counsel further stated that LARSGESS was a package Scheme that envisaged voluntary retirement of the employee and simultaneous employment of his ward. The applicant was due to superannuate from service in 2016 as per his declared DOB, At this stage, the claim of the applicant for



considering case for employment of his son under LARSGESS was not maintainable.

7. We have given our careful consideration to the matter. From material on record it is quite clear that the applicant did not fulfill the eligibility criteria under the Scheme when he applied for the same in 2012 as well as in 2013. Hence the O.A. being without merit is rejected.

**(RAJWANT SANDHU)**  
**ADMINISTRATIVE MEMBER.**

**(DR. BRAHM A. AGRAWAL)**  
**JUDICIAL MEMBER**

Place: Chandigarh

Dated: 11.9.2015.

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