

OPEN COURT

**CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH
ALLAHABAD**

(ALLAHABAD THIS THE 23nd DAY OF MAY, 2018)

Present

HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J)
HON'BLE MR. R. RAMANUJAM, MEMBER (A)

Original Application No.330/00210/2018

(U/S 19, Administrative Tribunal Act, 1985)

1. Chittar, Son of Shri Dharmu, Retired Gateman from Near Section Engineer (P-Way), Achhnera, District-Agra.
2. Suresh Chandra, aged about 34 years, Son of Chittar, Resident of Village & Post – Paprera, Tehsil – Kumher, District-Bharatpur (Rajasthan)

.....Applicant

V E R S U S

1. Union of India through General Manager, North Central Railway, Subedarganj, Allahabad.
2. Divisional Railway Manager (P), North Central Railway, Agra.
3. Senior Divisional Personal Officer, North Central Railway, Agra.
4. Senior Section Engineer (P-Way), North Central Railway, Achhnera, District-Agra.

.....Respondents

Advocates for the Applicants:- Shri Dharmendra Tiwari

Advocate for the Respondents:- Shri Chandra Shekhar Rai

ORDER

(DELIVERED BY HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J))

By means of this present original application, the applicant seeks a direction from this Tribunal in the nature of mandamus directing the respondents to take a positive decision on his application dated 30.07.2017 for appointment on Liberalised Active Retirement Scheme for Guaranteed Employment for Safety Staff (in short, LARSGES Scheme).

2. We have gone through the pleadings available on board. The issue of appointment under the LARSGES Scheme was under consideration before the Hon'ble High Court of Punjab & Haryana at Chandigarh in CWP No.7714/2016 arising out of the order passed by the Chandigarh Bench of this Tribunal in the case of ***Kala Singh and others Versus Union of India and Others (OA. No. 060/00656/2014)***. While disposing of the Writ Petition, the Hon'ble High Court had doubted the scheme itself and had taken a view that scheme did not stand to the test of Articles 14 and 16 of the Constitution of India and thus the matter had been referred to Railway Board to re-consider the LARSGES Scheme. The order of Hon'ble High Court has also been affirmed by the Hon'ble Supreme Court by dismissing SLP(C) No.4482/2017 by its order dated 06.03.2017.

3. It has also been brought to the notice of this Court that subsequent to dismissal of SLP, the Hon'ble Supreme Court has already granted them additional time to reconsider LARSGES Scheme. In the light of the above noted fact that as the LARSGES Scheme is already under cloud's, therefore, no relief as claimed in the OA can be

adjudicated by the Court till the Railway Board takes a view on the LARSGESS Scheme as directed by the Hon'ble Supreme Court.

4. Accordingly, the OA is disposed of with the liberty to the applicant to move an application or file a fresh petition on same cause of action after the decision by the Railway Board, if so advised.

5. Original application stands disposed of. No Costs.

(R. Ramanujam)

Member-A

(Sanjeev Kaushik)

Member-J

Arun...