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.330/1009/2016

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

1. Naval Singh @ Navla, A/a 35 years, S/o Sri Ghanshyam, Presently posted as Gateman in 10 Number Gang Paprera Kumher Bharatpur, under Senior Section Engineer (P-way) Achhnera, District Agra.
2. Smt. Machhla Devi, D/o Naval Singh @ Navla W/o Harish Chadra, Resident of Village and post Paprera Tehsil Kumher District Bharatpur (Rajasthan)

.....Applicants

V E R S U S

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

.....Respondents

Advocates for the Applicant:- Shri Prateek Chandra

Shri D. Tiwari

Advocate for the Respondents:- Shri Atul Kumar Sahi

ORDER

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

By means of this present original application, the applicant has challenged the order dated 06.04.2016 (Annexure A-1) where his claim for appointment of his son under the Liberalised Active Retirement Scheme for Guaranteed Employment for Safety Staff (in short, LARSGES Scheme).has been rejected. The matter is ripe for arguments.

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/