

OPEN COURT

**CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH
ALLAHABAD**

(ALLAHABAD THIS THE 21st DAY OF MAY, 2018)

Present

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

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

Original Application No.330/00706/2017

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

Munna Lal, aged about 58 years, Son of Ramchandra,
Resident of Mohalla new Abadi, Defence Colony,
District-Agra.

.....Applicant

V E R S U S

1. Union of India through its Secretary Railway Board, Railway Bhawan, New Delhi.
2. Divisional Railway Manager (Karmik), North Central Railway (Agra).
3. Assistant Karmik Adhikari-IIIrd, North Central Railway, Jhansi.

.....Respondents

Advocates for the Applicant:- Shri Rajesh Kumar Singh

Advocate for the Respondents:- Shri Chanchal Kumar Rai

ORDER

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

None for the applicant. Shri Chanchal Kumar Rai, learned counsel for the respondent is present.

2. 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 01.01.2016 for appointment on Liberalised Active Retirement Scheme for Guaranteed Employment for Safety Staff (in short, LARSGES Scheme).

3. We have heard learned counsel for the parties. The issue for appointment under the LARSGES scheme was under consideration before the Hon'ble High Court of Punjab & Haryana at Chandigarh in the case of *Kala Singh and others Versus Union of India and Others* which was decided on 27.04.2016. In a petition arising out of an order passed by the coordinate Bench of this Tribunal, the Hon'ble High Court had doubted the scheme itself and had taken a view that the 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.

4. Based upon the above noted order, various OAs have been disposed of with a direction to await the decision to be taken by the Railway Board. It is to be noted that the order passed in case of **Kala Singh & Others** (Supra) had also been affirmed by the Hon'ble Supreme Court by dismissing SLP(C) No.4482/2017 by its order dated

06.03.2017. It is stated by learned counsel representing the respondents that on an application filed by Railway Board, the Hon'ble Supreme Court has further granted time to revisit the policy. Therefore, it is prayed that till the matter is decided by the Railway Board, no relief may be granted to the applicant in the present case.

5. In the light of the aforesaid facts, we are left with no option but to dispose of this original application at this stage with a direction 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.

6. Original application stands disposed of. No Costs.

(R. Ramanujam)
Member-A

(Sanjeev Kaushik)
Member-J

/ns/