

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

CP 4/2017 in
OA 4320/2014

Reserved on: 7.12.2017
Pronounced on: 22.12.2017

Hon'ble Mrs. Jasmine Ahmed, Member (J)
Hon'ble Mr. Uday Kumar Varma, Member (A)

1. Shri Bhagwan Deen
S/o Late Shri Mahavir
Working as Trackman under
Senior Section Engineer
Shakoor Basti Depot, Northern Railway,
Delhi
2. Rajender
S/o Late Shri Net Ram
Working as Trackman under
Senior Section Engineer
Shakoor Basti Depot, Northern Railway,
Delhi

....Applicants

(Through Shri R.K. Shukla, Advocate)

Versus

1. Shri A.K. Puthia
General Manager
Northern Railway Headquarter
Baroda House,
New Delhi-110001
2. Shri Arun Arora
Divisional Railway Manager
Northern Railway, Delhi Division
State Entry Road, Paharganj,
New Delhi-110055

....Respondents

(Through Shri Kripa Shankar Prasad, Advocate)

ORDER**Hon'ble Mrs. Jasmine Ahmed, Member (J)**

OA 4320/2014 was allowed by this Tribunal with the following direction:

"4. Accordingly, we allow this O.A. and direct the respondents to consider the cases of the applicants herein under the LARSGESS Scheme for second cycle of 2014 in accordance with rules within a period of 60 days from the date of receipt of a certified copy of this order. No costs."

2. The order of this Tribunal was challenged before the Hon'ble High Court by the respondents in W.P (C) 4859/2017 and CM Appl. 21024-21025/2017, where the Hon'ble High Court held as follows:

"In our view, there is no reason to assail the impugned order. No ground has been disclosed as to how the impugned order is claimed to be laconic. There is no dispute raised with regard to the facts taken note of by the Tribunal in the impugned order. We do not find any merit in this petition.

Dismissed."

3. Learned counsel for the respondents has handed over a copy of letter No.E(P&A)1-2015/RT-43 dated 27.10.2017, stating that the Learned Solicitor General has opined to file an SLP in the matter before the Hon'ble Supreme Court.

Accordingly, an SLP is being filed on the issue pertaining to LARSGESS Scheme. Learned counsel stated that under these circumstances, this Contempt Petition may be dismissed for the time being and notices discharge.

4. We have heard the learned counsel for the parties and perused the documents on record.

5. As there are contradictory judgments of different Courts, the railways has been directed to revisit the offending Policy keeping in view the principle of equal opportunity in public employment before further appointment are made. Such a direction was necessitated in view of the mandate of the Constitution Bench in **Secretary, State of Karnataka and ors. Vs. Uma Devi**, (2006) 4 SCC 1. But it may take some time to complete the process.

6. Accordingly, the respondents are directed to appoint the petitioners as per the Scheme if they fulfil all other criteria, under an undertaking from them that their appointment will be subject to the outcome of the SLP filed in the Hon'ble Supreme Court. This exercise should be completed within a period of two months from the receipt of a certified copy of this order. With these directions, this CP

is closed and notices are discharged.

(Uday Kumar Varma)
Member (A)

(Jasmine Ahmed)
Member (J)

/dkm/