

Central Administrative Tribunal
Principal Bench
New Delhi

O.A.No.1647/2015
with
O.A.No.1855/2017
O.A.No.2369/2017
M.A.No.2528/2017

O.A.No.444/2016
M.A.No.425/2016

O.A.No.2342/2017
M.A.No.2506/2017

O.A.No.1000/2017

O.A.No.2188/2017
M.A.No.2341/2017

Order Reserved on: 19-21.07.2017

Order pronounced on 18.08.2017

Hon'ble Shri V. Ajay Kumar, Member (J)
Hon'ble Shri Shekhar Agarwal, Member (A)

O.A.No.1647/2015

1. Surinder Singh-III, Aged about 59 years
S/o Shri Hira Singh
R/o H.No.E-79, Patel Nagar,
Near Shiv Mandir, Moradabad (UP)
Working as Driver (Mail)
Northern Railway, Moradabad.
2. Ravinder Singh,
Aged about 24 years,
S/o Shri Surinder Singh,
R/o H.No.E-79, Patel Nagar,
Near Shiv Mandir,
Moradabad (UP).

.Applicants

(By Advocate: Shri P.S. Khare)

Versus

Union of India through

1. The General Manager,
Northern Railway,
Baroda House,
New Delhi.
2. The Chief Personnel Officer,
Northern Railway, Baroda House,
New Delhi.

..Respondents

(By Advocate: Sh. Kripa Shankar Prasad)

with

O.A.No.1855/2017

Kedar Singh
Aged about 62 years
Son of Late Shri Surjeet Singh
Retd. Khallasi, (Group D) Works Branch
CAO's Office, Construction Organisation
Northern Railway
Kashmere Gate, Delhi-06
Resident of H.No.123, Barwala, Delhi-39. ... Petitioner

(By Advocate: Sh. H. P. Chakravorty for Shri P.S. Khare)

Versus

Union of India through

1. Union of India through
The Chairman, Railway Board
Ex-Officio, Principal Secretary to
Government of India,
Ministry of Railways
Rail Bhawan
New Delhi – 110 001.

2. The General Manager,
Northern Railway,
Baroda House,
New Delhi-01
3. The Divisional Railway Manager
Northern Railway, State Entry Road
New Delhi – 55.
4. The Chief Administrative Officer,
Construction Organization
Northern Railway, Kashmere Gate,
Delhi - 110006 ..Respondents

O.A.No.2369/2017

1. Ashok Kumar S/o Late Sh. Haria
Aged 53 Yrs.
R/o Ward No.18, Old Bus Stand
Near Prajapati Dharmshala, Barwala Distt. Hisar.
2. Sonu S/o Sh. Ashok Kumar,
Aged 26 Yrs.
R/o Ward No.18, Old Bus Stand
Near Prajapati Dharmshala, Barwala Distt. Hisar.

(By Advocate: Shri U. Srivastava)

Versus

1. Union of India through
The Chairman Railway Board
Rail Bhawan
New Delhi.
2. The General Manager,
Northern Railway, Baroda House
New Delhi.

3. The Divisional Railway Manager,
Northern Railway,
Ambala.

4. The Senior Divisional Personnel Officer
Divisional Office
Northern Railway
Ambala Cantt. ... Respondents

O.A.No.444/2016

1. Jai Ram
S/o Nanhoo
Age 56
2. Rajpal Singh S/o Jai Ram, Age 21, Group D
R/o Moh. Rafatpura, Mandi Samiti
Gulharia Road
Distt. JP Nagar
Amroha, UP.

(By Advocate: Ms. Neelima Rathore for Shri U. Srivastava)

Versus

Union of India through

1. The General Manager,
Northern Railway, Baroda House
New Delhi.
2. The Divisional Railway Manager,
Moradabad
Northern Railway,
Moradabad, U.P.
3. The Sr. Section Engineer
Signal-II
Northern Railway
Moradabad UP ... Respondents

(By Advocate: Sh. R.N.Singh)

O.A.No.2342/2017

1. Kalu Ram S/o Late Sh. D.Parsad
Aged 59 years
R/o Railway Station Mandhali
Teh-Banga Distt.
SBS Nagar,
Punjab.

2. Dharam Raj S/o Sh. Kalu Ram
Aged 36 years
R/o Railway Station Mandhali
Teh-Banga Distt.
SBS Nagar,
Punjab.

... Applicants

(By Advocate: Shri U. Srivastava)

Versus

1. Union of India through
The Chairman
Railway Board
Rail Bhawan
New Delhi.

2. The General Manager,
Northern Railway
Baroda House
New Delhi.

3. The Divisional Railway Manager
Northern Railway
Firozpur.

4. The Divisional Personnel Officer-I
Divisional Office
Northern Railway
Firozpur.

... Respondents

O.A.No.1000/2017

- 1. Shyam Lal, Age 61 years
S/o Late Sh. Khirodhar
R/o V-72, Gali No.B-5
Sabouli Shakti Garden
Delhi.

- 2. Surya Prakash, Age 28 years
S/o Sh. Shyam Lal
R/o V-72, Gali No.B-5
Sabouli Shakti Garden
Delhi.

... Applicants

(By Advocate: Sh. U.Srivastava)

Versus

- 1. Union of India through
The General Manager
Northern Railway
Baroda House
New Delhi.

- 2. The Divisional Railway Manager
Northern Railway
Estate (State) Entry Road
New Delhi.

- 3. The Senior Divisional Personnel Officer
Northern Railway
O/o DRM, New Delhi
Estate (State) Entry Road
New Delhi.

... Respondents

(By Advocate: Shri S.M.Arif)

O.A.No.2188/2017

Shri Madan Prasad, Age-59 years, Group-D
S/o Shri Anusua Prasad
Helper – I
Under Sr. Section Engineer (Bridges)
Northern Railway
Moradabad.

Shri Vijay Prasad, Age-27 years, Group-D
S/o Shri Madan Prasad
Through Shri Madan Prasad
Helper-I
Northern Railway
Moradabad. ... Applicants

(By Advocate: Ms. Meenu Mainee)

Versus

Union of India : Through

1. Secretary
Railway Board
Ministry of Railways
Rail Bhawan
New Delhi.
2. General Manager
Northern Railway
General Manager
Northern Railway
Baroda House
New Delhi.
3. Dy. Chief Engineer (Bridges/Line)
Northern Railway
Baroda House
New Delhi.
4. Assistant Executive Engineer (Bridges/Line)

Northern Railway
Moradabad.

.... Respondents

ORDER

By V. Ajay Kumar, Member (J):

Heard.

2. In this batch of OAs, the applicants are the employees of the Railways or their wards and seeking granting of certain benefits under the Liberalised Active Retirement Scheme for Guaranteed Employment for Safety Staff (in short, LARSGES Scheme). The said Scheme which was formulated by the respondents in the year 2004 and modified in the year 2010 enables 2nd category Railway employees to seek Voluntary Retirement after they reach the age group of 55-56 years (as amended from time to time) or on completion of qualifying service of 33 years (as amended from time to time) and they can seek appointment of their wards in their place.

3. The Constitutional validity of the LARSGES Scheme came up before various Benches of this Tribunal, including the Principal Bench at New Delhi, and the Scheme was quashed by the Principal Bench at New Delhi by holding that the same is unconstitutional. However, the said decision of the Principal Bench at New Delhi was set aside and remanded back, by the jurisdictional High Court, on technical grounds. Similar is the situation with certain other bench decisions on the validity of the Scheme.

4. On a reference, a Full Bench of this Tribunal in OA No.1540/2013, dated 07.08.2015 in **R. Krishna Rao v. Union of India & Others**, upheld the legality and validity of the LARSGES Scheme.

5. When the instant batch of OAs were taken up for hearing, it is brought to our notice that in CWP No.7714/2016, the Hon'ble High Court of Punjab & Haryana at Chandigarh, by its Judgement dated 27.04.2016, in **Kala Singh and Others v. Union of India & Others**, by holding that the LARSGES Scheme does not stand to the test of Articles 14 and 16 of the Constitution of India and that the policy is a device evolved by the Railways to make back-door entries in public employment and brazenly militates against equality in public employment, directed the Railway authorities that hitherto before making any appointment under the offending policy, its validity and sustainability be re-visited keeping in view the principles of equal opportunity and elimination of monopoly in holding public employment.

6. It is further to be seen that the SLP (C) No.4482/2017 filed against the decision in **Kala Singh & Others** (supra) was dismissed by the Hon'ble Apex Court by its Order dated 06.03.2017.

7. In **Union of India & Anr. v. S. Kasipandy and Anr.**, Writ Petition No.37533/2016, dated 04.11.2016 of a Division Bench of the Hon'ble High Court of Judicature at Madras, on which reliance was placed by the applicants, the validity of the LARSGES Scheme was not

an issue, and hence, the same has no application to the facts of the instant OAs.

8. It is also relevant to note that an identical Scheme like LARSGESS, framed for the benefit of the employees of the Singareni Collieries Company Limited, was declared to be violative of Articles 14 and 16 of the Constitution of India by the Hon'ble High Court of Judicature at Hyderabad for the States of Telangana and Andhra Pradesh, and the said decision was upheld by the Hon'ble Apex Court by its Order dated 17.04.2017 in SLP No.11566/2017 (**Telangana Boggu Gani Karmika Sangam v. K. Satish Kumar and Others**).

9. In the circumstances and in view of the decision of the Hon'ble Apex Court in **Telangana Boggu Gani Karmika Sangham** (supra) and for the aforesaid reasons, the instant OAs are dismissed being devoid of any merit. No costs.

Registry is directed to place a certified copy of this order in all the relevant OA files.

(Shekhar Agarwal)
Member (A)

(V. Ajay Kumar)
Member (J)

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