Central Administrative Tribunal
Principal Bench
New Delhi

O.A.No.2886/2015

Order reserved on 19.01.2017
Order pronounced on: 24.01.2017

Hon'ble Shri V. Ajay Kumar, Member (J)
Hon'ble Shri P.K.Basu, Member (A)

Dinesh
S/o Sh. Puttu Lal
Aged about 58 years
Working as Trackman
Under Deputy Chief Engineer (Const.)
R/o Shakur Basti, Delhi. ... Applicant

(By Advocate: Sh. R.K.Shukla)

Versus

1. Union of India through
   The General Manager
   Northern Railway,
   Baroda House,
   NEW DELHI.

2. The Divisional Railway Manager,
   Northern Railway, Delhi Division
   Pahar Ganj
   New Delhi.

3. The C.A.O. (Construction)
   Kashmere Gate, Delhi.

4. The Sr. Divisional Personal Officer (Const.)
   Kashmere Gate, Delhi. ... Respondents

(By Advocate: Sh. Amit Kumar)

O R D E R

By V. Ajay Kumar, Member (J):

Heard both the learned counsel.

2. When the matter is taken up for hearing, it is noticed that the facts and law involved in this OA are identical to the facts in OA No.4138/2016 and batch, which was disposed of on 23.12.2016, therefore, this OA can also be disposed of in terms of the orders passed in the said OA.

3. In the circumstances, and for parity of reasons, this OA is also disposed of in terms of the orders passed in OA No.4138/2016 and batch, dated 23.12.2016. For the sake of convenience, the Order in OA No.4138/2016 and batch, is extracted below:

> "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 was formulated by the respondents in the year 2004 and modified in the year 2010 enables 2nd category job of 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.
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> 2. 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.
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> 3. 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.
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> 4. When the aforesaid 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.

5. It is also brought to our notice that a reference was made to Railway Board seeking guidelines in reference to the aforesaid orders of the Hon'ble High Court of Punjab and Haryana wherein the LARSGES Scheme was held to be violative of Articles 14 and 16 of the Constitution of India.

6. Since the learned counsel, could not place any other Order of the Hon'ble High Court of Delhi, which is the jurisdictional High Court or any other High Court or Supreme Court, contrary to the above decision of the Hon'ble High Court of Punjab & Haryana, we are bound by the said decision.

7. In the circumstances, and for the aforesaid reasons, all the OAs are disposed of in terms of the Order dated 27.04.2016 in CWP No.7714/2016 of the Hon'ble High Court of Punjab & Haryana in **Kala Singh & Others v. Union of India & Others (**supra) No costs."

Accordingly, the OA is disposed. No costs.

(P. K. Basu)
Member (A)

(V. Ajay Kumar)
Member (J)

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