

**Central Administrative Tribunal
Principal Bench, New Delhi.**

**OA-4320/2014
MA-3785/2014**

New Delhi this the 12th day of August, 2016.

Hon'ble Mr. Shekhar Agarwal, Member (A)
Hon'ble Mr. Raj Vir Sharma, Member (J)

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

..... Applicants

(through Sh. R.K. Shukla, Advocate)

Versus

1. Union of India through
the General Manager,
Northern Railway Headquarter,
Baroda House,
New Delhi-110001.
2. The Divisional Railway Manager,
Northern Railway, Delhi Division,
Estate Entry Road, Paharganj,
New Delhi-110055.
3. The Divisional Personnel Officer,
Northern Railway, Delhi Division,
DRM Office, Estate Entry Road,
Paharganj, New Delhi.
4. The Senior Section Engineer,
Northern Railway,

Shakoor Basti Depot,
New Delhi.

.... Respondents

(through Sh. Kripa Shankar Prasad, Advocate)

ORDER (Oral)

Mr. Shekhar Agarwal, Member (A)

This O.A. has been filed by the applicants seeking appointment of their wards under the LARSGESS Scheme. Both the applicants have been working as Trackman with the Railways and are due to retire in the year 2017. They had applied for benefit of the LARSGESS Scheme seeking appointment of their sons in their places. Earlier their O.A. was dismissed by us vide our order dated 16.01.2015. However, Hon'ble High Court of Delhi vide their order dated 11.12.2015 in Writ Petition (C) No. 2275/2015 with other connected petitions has set aside our order and remanded the OA for fresh hearing. Accordingly, the OA was heard again.

2. The respondents have filed their reply in which they have stated that the cases of the applicants herein were rejected as their applications were received late.

3. We have heard both sides and have perused the material placed on record. Learned counsel for the applicants argued that the applicants had applied under this Scheme on 25.02.2012 itself through proper channel. However, their applications were not processed by the authorities along with 2012 candidates. Later on, through an RTI application, they came to know that their

applications had been forwarded to concerned authorities on 04.04.2014 to be considered for second cycle of 2013 batch. In this regard, learned counsel has drawn our attention to Annexure-A-3 (page-19 of the OA), which is a letter written by the office of DRM, New Delhi on 04.04.2014 in which mention has been made of 05 applications under the LARSGESS Scheme. At Serial Nos. 2 & 3 of this letter, applications of the applicants herein are also mentioned. From the above, it is clear that the applicants had applied for benefits under this Scheme well in time and the authorities were even considering their cases for the second cycle of 2013, which was under process in the month of April, 2014 when the applications of the applicants were also forwarded to the concerned section. Therefore, there was no justification in rejecting these applications on the ground that they were received late. Hence, the stand taken by the respondents is unsustainable.

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.

(Raj Vir Sharma)
Member (J)

(Shekhar Agarwal)
Member (A)

/Vinita/