

Central Administrative Tribunal
Principal Bench
New Delhi

O.A.No.3874/2013

M.A.No.2086/2014

with

O.A.No.859/2015

M.A.No.2103/2016

O.A.No.1476/2017

M.A.No.1611/2017

O.A.No.4417/2013

M.A.No.1559/2017

O.A.No.4419/2013

Order Reserved on: 30.10.2017

Order pronounced on 02.11.2017

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

Hon'ble Ms. Nita Chowdhury, Member (A)

O.A.No.3874/2013

Bir Singh

S/o Sh. Jai Dayal

Working as Pointman

At N.W.Railway Station, Mahindergarh (Har.)... Applicant

(By Advocate: Shri Yogesh Sharma)

Versus

1. Union of India through
the General Manager,
Northern Western Railway,
Jaipur.
2. The Divisional Railway Manager,

North-Western Railway,
Bikaner Division
Bikaner.

3. The Station Superintendent
North-Western Railway,
Mahindergarh (Har.). ... Respondents

(By Advocate: Shri Shailendra Tiwary)

with

O.A.No.859/2015

Sher Singh
S/o Shri Bharat Singh (Age 58)
Helper Khalasi
Under Sr. Section Engineer (Signals)
North Central Railway Tundla
R/o Vill-Sikari, PO-Kotki,
Dist-Tundla, Firojabad U.P. ... Applicant

(By Advocate Mrs. Meenu Mainee)

Versus

Union of India through

1. Secretary
Railway Board
Rail Bhawan
New Delhi.
2. General Manger
Northern Central Railway,
Allahabad
3. Divisional Railway
North Central Railway
Allahabad. ... Respondents

(By Advocate: Shri Subodh Kaushik for Shri A.K.Srivastava)

O.A.No.1476/2017

Shri Subhash Chand, Age 58 years Group C
S/o Late Shri Chhar Singh
Pointsman
North-Western Railway
Under Station Superintendent Satrad
R/o 1009, Vijay Nagar
Near Railway Station Hissar.

Shri Jatinder, Age 29 years, Group C
S/o Shri Subhash Chand
R/o 1009, Vijay Nagar
Near Railway Station Hissar. ... Applicants

(By Advocate: Mrs. Meenu Mainee)

Versus

Union of India through

1. Secretary
 Railway Board
 Ministry of Railways
 Rail Bhawan
 New Delhi.

2. General Manager,
 Northern – Western Railway,
 Jaipur.

3. Divisional Railway Manager
 Northern – Western Railway,
 Jaipur.

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Respondents

(By Advocate: Shri R.N.Singh)

O.A.No.4417/2013

1. Mewa Lal Pal
S/o Late Sh. Ramdeen Pal
R/o 1C, Railway Colony
Pandav Nagar, Patel Nagar
New Delhi.

2. Janardan Pal
S/o Sh. Mewa Lal Pal
R/o 1C, Railway Colony
Pandav Nagar, Patel Nagar
New Delhi.

... Applicants

(By Advocate: Shri Yogesh Sharma)

Versus

1. Union of India through
The General Manager,
Northern Railway,
Baroda House,
New Delhi.
2. The Divisional Railway Manager,
Northern Railway, Delhi Division,
State Entry Road, New Delhi.

.. Respondents

(By Advocate: Shri D.K.Chaubey for Shri Satpal Singh)

O.A.No.4419/2013

1. Bharat Ram
S/o Sh. Hiram Ram
R/o 5D, Railway Colony
Pandav Nagar, Near Shadipur Depot
New Delhi – 08.
2. Dileep Kumar
S/o Sh. Bharat Ram
R/o 5D, Railway Colony

Pandav Nagar,
Near Shadipur Depot
New Delhi-08.

...

Applicants

(By Advocate: Shri Yogesh Sharma)

Versus

1. Union of India through the General Manager,
Northern Railway, Baroda House, New Delhi.

2. The Divisional Railway Manager,
Northern Railway, Delhi Division,
State Entry Road, New Delhi.

..Respondents

(By Advocate: Shri D.K.Chaubey for Shri Satpal Singh)

O R D E R (Common)

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. Though, it is stated that a Review is filed in **Kala Singh & Others** (supra) before the Hon'ble High Court of Punjab & Haryana, the applicants failed to show any decision of any High Court or Supreme Court where the validity of LARSGES Scheme was upheld.

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. Consequently, interim orders if any granted in any of these batch of OAs are vacated. No costs.

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

(Nita Chowdhury)
Member (A)

(V. Ajay Kumar)
Member (J)

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