

Central Administrative Tribunal
Principal Bench
New Delhi

O.A.No.2643/2013

with

O.A.No.3722/2013

O.A.No.3858/2013

O.A.No.3873/2013

O.A.No.3875/2013

M.A.No.1669/2014

O.A.No.4256/2013

O.A.No.2802/2013

Order Reserved on: 15.12.2016

Order pronounced on 23.12.2016

Hon'ble Shri V. Ajay Kumar, Member (J)
Hon'ble Shri K.N.Shrivastava, Member (A)

OA No.2643/2013

Sagar Singh
S/o Late Shri Harphool Singh
R/o Vill. Jhanabad, PO Naziababad
Distt. Bijnour (UP). Applicant

(By Advocate: Shri Yogesh Sharma)

Versus

1. Union of India through
The General Manager
Northern Railway,
Baroda House, New Delhi.
2. The General Manager (P)
Northern Railway
Baroda House, New Delhi.

3. The Divisional Railway Manager
 Northern Railway, Muradabad Division
 Muradabad (UP).Respondents.

(By Advocate: Shri A.K.Srivastava with Shri V.S.R.Krishna)

OA No.3722/2013

1. Ranjit Singh
 S/o Shri Khushal Singh
 R/o Vill. Bhanpur Khallsa, P.O. Gajrola
 Distt. J.P.Nagar (U.P.).
- 2.. Surender Kumar
 S/o Shri Ranjit Singh
 R/o Vill. Bhanpur Khallsa, P.O. Gajrola
 Distt. J.P.Nagar (U.P.).Applicant

(By Advocate: Shri Yogesh Sharma)

Versus

1. Union of India through
 The General Manager
 Northern Railway,
 Baroda House, New Delhi.
2. The General Manager (P)
 Northern Railway
 Baroda House, New Delhi.
3. The Divisional Railway Manager
 Northern Railway, Muradabad Division
 Muradabad (UP).Respondents.

(By Advocate: Shri A.K.Srivastava with Shri V.S.R.Krishna)

OA No.3858/2013

Rohtas
 S/o Late Shri Ganga Ram
 R/o Loco Shed, Railway Colony
 Q.No,L/48E, Moradabad (U.P.). Applicant

(By Advocate: Shri Yogesh Sharma)

Versus

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

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

3. The Divisional Railway Manager
 Northern Railway, Muradabad Division
 Muradabad (UP). Respondents.

(By Advocate: Shri A.K.Srivastava with Shri V.S.R.Krishna)

OA No.3873/2013

Khushi Ram
 S/o Shri Lahia
 R/o Vill. Dhania PO Sahalawas
 Tesh. Matanhel
 Distt. Jhajjar (Har). Applicant

(By Advocate: Shri Yogesh Sharma)

Versus

1. Union of India through
 The General Manager
 North-Western (sic. Western) Railway,
 Jaipur.

2. The Divisional Railway Manager
North-Western Railway, Bikaner Division
Bikaner.
3. The Section Engineer (P/Way)
North-Western Railway, Charkhi Dadri (Har).
4. The Secretary
Ministry of Railway, Rail Bhawan
New Delhi. Respondents.

(By Advocate: Shri Kripa Shankar Prasad)

OA No.3875/2013

MA No.1669/2014

Lallu
S/o Shri Seria
R/o Vill & PO Mundghysa
Tesh. Baswa.
Distt. Dausa (Raj)
Working under SSE (P.Way)
N.W.Railway, Charkhi Dadri, (Haryana). Applicant

(By Advocate: Shri Yogesh Sharma)

Versus

1. Union of India through
The General Manager
North-Western (sic. Western) Railway, Jaipur.
2. The Divisional Railway Manager
North-Western Railway, Bikaner Division
Bikaner.
3. The Assistant Divisional Engineer
North-Western Railway, Bhiwani. (Har).

4. The Section Engineer (P/Way)
 North-Western Railway,
 Charkhi Dadri (Har).Respondents.

(By Advocate: Shri Kripa Shankar Prasad)

OA No.4256/2013

Nauwat
 S/o Shri Summeri
 R/o Pura Rani Ka Mazula
 Tehsil Chandausi
 Distt. Sambhal (U.P.). Applicant

(By Advocate: Shri Yogesh Sharma)

Versus

1. Union of India through
 The General Manager
 Northern Railway,
 Baroda House, New Delhi.
2. The General Manager (P)
 Northern Railway
 Baroda House, New Delhi.
3. The Divisional Railway Manager
 Northern Railway, Muradabad Division
 Muradabad (UP).Respondents.

(By Advocate: Shri V.S.R.Krishna and Shri A.K.Srivastava)

OA No.2802/2015

Om Prakash
 Age 58, Fresh Appointment
 S/o Late Shri Amrit Lal
 Working as Trackman at
 Narela Station, Delhi

Under the Control and Supervision
of Section Engineer, Northern Railway
Sonipat, Haryana.

..... Applicant

(By Advocate: Shri R.K.Shukla)

Versus

1. Union of India through
The General Manager
Northern Railway,
Baroda House, New Delhi.
2. The Divisional Railway Manager
North Central Railway
Delhi Division
State Entry Road
Paharganj, New Delhi.
3. The Sr. Divisional Personnel Officer
North Central Railway
Delhi Division
State Entry Road
Paharganj, New Delhi.
4. The Divisional Personnel Officer
North Central Railway
Delhi Division
State Entry Road
Paharganj, New Delhi.
5. The Assistant Personal Officer
North Central Railway
Delhi Division
State Entry Road
Paharganj, New Delhi. Respondents.

(By Advocate: Shri Navneet Patial for Shri Satpal Singh)

ORDER

By V. Ajay Kumar, Member (J):

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.

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.

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.

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 appearing for both sides, 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). MAs, if any, pending are also disposed of accordingly. No costs.

(K.N.Shrivastava)
Member (A)

(V. Ajay Kumar)
Member (J)

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