

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

OA No.960/2016

New Delhi this the 31st day of October, 2018

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

Pala Ram, aged 57 years,
S/o Shri Shankar Lal,
Working as Keyman,
Under Assistant Engineer, Sadalpur,
R/o Village Sirsala, Churu (Raj.) - Applicant

(By Advocate: Mr. Yogesh Sharma)

VERSUS

1. Union of India through
the General Manager,
North Western Railway, Jaipur
2. The Divisional Railway Manager,
North-Western Railway,
Bikaner Division, Bikaner
3. The Assistant Engineer,
North-Western Railway Station,
Sadalpur (Raj.) - Respondents

(By Advocate: Mr. Rahul Pandey)

O R D E R (Oral)

The applicant has filed this Original Application (OA), seeking the following reliefs:-

“(i) That the Hon'ble Tribunal may graciously be pleased to pass an order, declaring to the effect that the whole action of the respondents not finalizing and not accepting the request of the applicant for his Vol. Retirement under the Liberalized Active Retirement Scheme for Guaranteed Employee for Safety Staff (LARSGESS) totally wrong and baseless reason is totally illegal, arbitrary, against the scheme and discriminatory and consequently, pass an order directing the respondents to consider the case of the applicant for extending the benefit of Liberalized Active Retirement Scheme for Guaranteed Employee for Safety Staff (LARSGESS) and consider the son of the applicant for his appointment without any further delay.

(ii) Any other relief which this Hon'ble Tribunal deem fit and proper may also be granted to the applicants along with the costs of litigation.”

2. When the matter is taken up for hearing, the counsel for the applicant admitted that the Railway Board, vide its letter No.E(P&A)I-2015/RT-43 dated 26.09.2018, has terminated the LARSGESS Scheme in view of directions of Hon'ble High Court of Punjab and Haryana and the orders of Hon'ble Supreme Court in SLP (C) No. 508/2018 dated 08.01.2018. The said order of the Railway Board reads as under:-

“Sub: Termination of the LARSGESS Scheme in view of directions of Hon'ble High Court of Punjab and Haryana and the orders of Hon'ble Supreme Court of India in SLP (C) No. 508/2018 dated 08.01.2018.

Ref: Board's letter of even number dated 27.10.2017.

The Hon'ble Punjab and Haryana High Court in its judgment dated 27.04.16 in CWP No. 7714 of 2016 had held that the Safety Related Retirement Scheme 2004 (later renamed as the Liberalised Active Retirement Scheme for Guaranteed Employment for Safety Staff (LARSGESS, 2010) *“prima facie does not stand to the test of Articles 14 and 16 of the Constitution of India”* It had directed *“before making any appointment under the offending policy, let its validity and sustainability be revisited keeping in view the principles of equal opportunity and elimination of monopoly in holding public employment.”* Thereafter, in its judgment dated 14.07.17 (Review Petition RA-CW-330-2017 in CWP No. 7714 of 2016), the Hon'ble High Court reiterated its earlier direction and stated *“such a direction was necessitated keeping in view the mandate of the Constitution Bench in State of Karnataka Vs. Uma Devi, (2006) 4 SCC 1.”*

1.1 *In the Appeal against the judgment of the Hon'ble High Court of Punjab & Haryana, the Hon'ble Supreme Court of India, while disposing of the SLP (C) No. 508/2018 vide its order dt. 8.01.18, declined to interfere with the directions of the High Court.*

2. In compliance with the above directions, Ministry of Railways have revisited the scheme duly obtaining legal opinion and consulted Ministry of Law & Justice. Accordingly, it has been decided to terminate the LARSGESS Scheme w.e.f. 27.10.2017 i.e. the date from which it was put on hold. No further appointments should be made under the Scheme except in cases where employees have already retired under the LARSGESS Scheme before 27.10.17 (but not normally superannuated) and their wards could not be appointed due to the Scheme having been put on hold in terms of Board's letter dated 27.10.17 though they had successfully completed the entire process and were found medically fit. All such appointments should be made with the approval of the competent authority."

3. From the facts of this case, it is clear that the respondents had not granted the request of the applicant to be considered for voluntary retirement and that as per Para 2 of the aforesaid Railway Board's letter, the scheme of LARSGESS has now been terminated w.e.f. 27.10.2017.

4. In view of the above facts and circumstances, nothing remains to be adjudicated in this matter and the OA is accordingly dismissed. No order as to costs.

**(Nita Chowdhury)
Member (A)**

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