

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

O.A. No.810 /2016

Wednesday, this the 19th day of September 2018

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

1. Lal Mohammad, aged 58 years,
s/o Sh. Md. Saddik,
working as Trolleyman under
SSE/P.Way/Gurgaon,
r/o Near Mal Godown, Railway Colony,
Gurgaon (Haryana)
2. Mohd. Saleem, aged 36 years,
s/o Sh. Lal Mohamad,
unemployed,
r/o Near Mal Godown, Railway Colony,
Gurgaon (Haryana)

- Applicants

(By Advocate: Mr. 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: Mr. Krishna Kant)

O R D E R (ORAL)

The applicants have filed this Original Application, seeking the following reliefs:-

“(i) That the Hon'ble Tribunal may graciously be pleased to pass an order of quashing the impugned order dated 20.10.2015 and order dated 1.9.2015 (Annex.A/1 & A/2), declaring to the effect that the whole action of the respondents rejecting the request

of the applicant for considering his case under Liberalized Active Retirement Scheme for Guaranteed Employee for Safety Staff (LARSGESS) is totally illegal and arbitrary and consequently pass an order directing the respondents to reconsider the request of the applicant for extending the benefit of LARSGESS Scheme by considering the ward of the applicant for this appointment in IS pay band till he attend the prescribed qualification, on the basis of 8th class qualification.

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

2. The applicant no.1, in this OA, was the employee of the Railways working as Trolleyman and seeking employment under the Liberalized Active Retirement Scheme for Guaranteed Employment for Safety Staff (in short, LARSGES Scheme) for his son – applicant no.2 herein.

3. When this matter is taken up for disposal, it was found that in CWP No.7714/2016, the Hon'ble High Court of Punjab & Haryana at Chandigarh, by its judgment 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.

4. It is further seen that the SLP (C) No.4482/2017 filed against the decision in ***Kala Singh & Others*** (supra) was dismissed by the Apex Court by its order dated 06.03.2017. Thereafter, the Review Application No.RA-CW-330/2017, dated 14.07.2017 filed by the Railways in ***Kala Singh & Others*** (supra) before the Hon'ble High Court of Punjab and Haryana was also dismissed on 14.07.2017.

5. 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 Boggue Gani Karmika Sangam v. K. Satish Kumar and Others***).

6. Further, it may also be mentioned that the same very issue, as raised in this OA was already considered and adjudicated by the Co-ordinate Benches of this Tribunal in OA No. 3936/2017 and batch – ***Jai Prakash and Others v. Union of India & Ors.*** and after considering the judgment of the Apex Court judgment in the case of ***Telangana Boggue Gani Karmika Sangam v. K. Satish Kumar and Others***.

Sangham (supra), the said OAs were dismissed. Hence, that judgment has attained finality.

7. In the circumstances, as this matter relates to LARSGESS and in view of the decision of the Hon'ble Apex Court in **Telangana Boggue Gani Karmika Sangham** (supra) and for the aforesaid reasons, the instant OA is dismissed being devoid of any merit. No costs

(Nita Chowdhury)
Member (A)

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