

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH:
NEW DELHI**

O.A. No.1129/2016

This the 4th day of December, 2018

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

Raghunandan, 58 years,
S/o Sh. Govind,
Working as Gangman
Under Sr. Sec. Engineer, Gurgaon,
R/o Railway Quarters, Railway Station,
Khalilpur, Gurgaon - Applicant

(None)

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
3. The Divisional Personal Officer,
Divisional Railway Manager' Office,
Northern Railway, Delhi Division,
State Entry Road, New Delhi
4. The Assistant Divisional Engineer,
Northern Railway, Delhi Sarai Rohilla
L-21, Heerilton Road, Delhi-06 - Respondents

(By Advocate : Mr. SM Arif)

O R D E R (Oral)

The applicant has filed this OA under Section 19 of the Administrative Tribunals Act, 1985 seeking the following reliefs:-

- “(i) That the Hon’ble Tribunal may graciously be pleased to pass an order of quashing the impugned order dated 12.1.2016 (dt. 22.1.2016 as per signature put on the impugned order) (Annex.A/ 1) declaring to the effect that the whole action of the respondents rejecting the request of the applicant for his Vol. Retirement under Liberalized Active Retirement Scheme for Guaranteed Employee for Safety Staff is totally illegal, arbitrary against the scheme and discriminatory and consequently, pass an order directing the respondents to consider and to accept the request of the applicant for extending the benefit of Liberalized Active Retirement Scheme for Guaranteed Employee for Safety Staff on the basis of his 2014 application, by taking into account the cut off date as on 1.1.2014, as done in the case of similarly situated person with all consequential benefits.
- (ii) Any other relief which the Hon’ble Tribunal deem fit and proper may also be granted to the applicants along with the costs of litigation.”

2. Nobody appears for the applicant even in the revised call. Counsel for the respondents is present and informs that in a similar case, i.e. OA No. 960/2016 (**Pala Ram v. Union of India & Ors.**), 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 costs.

(Nita Chowdhury)
Member (A)

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