

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

OA No. 1136/2015
MA No. 1039/2015

New Delhi this the 26th day of July, 2018

**Hon'ble Ms. Nita Chowdhury, Member (A)
Hon'ble Mr. S.N. Terdal, Member (J)**

1. Shri Joginder, Age 59,
S/o Late Sh. Bhoomesahwar,
Working under PWI, Harsana Kala,
Sonepat (Haryana)
2. Shri Pradeep, Age 59,
S/o Late Sh. Ganesh,
Working under PWI, Harsana Kala,
Sonepat, Haryana

- Applicants

(By Advocate: Shri RK Shukla)

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,
Paharganj, New Delhi
3. The Sr. Divisional Personnel Officer,
Northern Railway,
Delhi Division,
State Entry Road,
Paharganj, New Delhi
4. The Divisional Personnel Officer,
Northern Railway,
Delhi Division,
State Entry Road,
Paharganj, New Delhi
5. The Assistant Divisional Manager,
Northern Railway, Delhi Division,
Panipat, Haryana

-- Respondents

ORDER (Oral)

Ms. Nita Chowdhury, Member (A):

MA No.1039/2015

For the reasons stated therein, the MA filed for joining together in a single Application is allowed.

OA No.2220/2017

2. This Original Application (OA) has been filed by the applicants seeking the following reliefs:-

- “(a) Direct the respondents to consider the applications of the applicants for their retirement and providing employment to their wards as per given particulars in their application along with 2014 candidates as and when the said list is finalized by the respondents as the list of 2014 is likely to be issued/finalized in the month of January, 2015.
- (b) Direct the respondents to implement the scheme issued by Railways which is called LARSGESS and their wards may be ordered to be employed in accordance with law.
- (c) Direct the respondent to expedite the case of the applicants in terms of letter dated 30.06.2014.
- (d) Allow the O.A. with all consequential benefits.
- (e) any other relief which this Hon’ble Tribunal deem fit and proper may also be passed in the facts and circumstances of the case.”

3. The applicants, in this OA, are the employees of the Railways and their wards are seeking employment under the Liberalised Active Retirement Scheme for Guaranteed Employment for Safety Staff (in short, LARSGES Scheme).

4. When the present OA was taken up for hearing, 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.

5. 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.

6. 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**).

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

8. In the circumstances 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.

(S.N. Terdal)
Member (J)

(Nita Chowdhury)
Member (A)

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