

**Central Administrative Tribunal  
Principal Bench**

**OA- 1454/2013**

New Delhi, this the 24<sup>th</sup> day of August, 2018

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

**Hon'ble Mr. S.N. Terdal, Member (J)**

1. Sh. Kanwar Singh, S/o Sh. Ami Chand  
Working as Gateman  
Sona Arjunpur, Gate No. 120-B  
Distt. Saharanpur
2. Sh. Jitender Kumar, S/o Sh. Kanwar Singh  
Both R/o Vill Kurali  
Post Rampur Maniharan  
Distt. Saharnpur, U.P. ....Applicants

(By Advocate : Mr. R.K. Shukla)

Versus

1. Union of India through General Manager  
North Central Railway, Allahabad.
2. The Divisional Railway Manager  
Northern Railway, Ferozpur Division  
Ferozpur, Punjab. ....Respondents

(By Advocate : Sh. Shailender Tiwary)

**ORDER (ORAL)**

**Ms. Nita Chowdhury, Member (A):**

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

- “(a) Direct the respondents to consider for counting 100% service from 20.03.87 till the permanent absorption of the applicant No. 1 and thereafter the respondents may count all service of the

applicant No. 1 till the cut of date for qualifying service.

- (b) To direct the respondents to consider the case of the applicant No. 2 for his appointment in terms of Rules.
- (c) Any other relief which this Hon'ble Tribunal deem fit and proper may also be passed in the facts and circumstances of the case in favour of the applicant."

2. The applicant No.1, in this OA, was the employee of the Railways working as gate man and seeking employment under the Liberalized Active Retirement Scheme for Guaranteed Employment for Safety Staff (in short, LARSGES Scheme) for his son (Sh. Jitender Kumar) (second applicant).

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 Bogue Gani Karmika 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 Bogue 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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