

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

OA 2560/2017

New Delhi this the 27th day of July, 2018

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

Shri Geeta Ram,
S/o Shri Manohar Lal,
Aged 58 year,
Working as Khallasi (Group-C),
Under Sr. Section Engineer,
(P.Way), South, Mathura Junction,
Mathura (U.P). ... Applicant

(By Advocate: Mr. Manjeet Singh Reen)

VERSUS

Union of India & Others

1. The Secretary,
Ministry of Railways,
Railway Board, New Delhi.
2. The General Manager,
North Central Railway,
Allahabad (U.P.).
3. The Divisional Railway Manager,
North Central Railway,
Agra (U.P.). ... Respondents

(By Advocate: Mr. Satpal Singh)

O R D E R (Oral)

Ms. Nita Chowdhury, Member (A):

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

“8.1 That this Hon'ble Tribunal may graciously be pleased to allow this Original Application set aside the impugned order dated 24.10.2016 to the extent his son name may be included in the selection list with all consequential benefits.

8.2 That this Hon'ble Tribunal may graciously be pleased to directing the respondents to appoint his son under LARSGESS Scheme with all consequential benefits.

8.3 That this Hon'ble Tribunal may graciously be pleased to directing the respondents to consider his son case for extending the benefit of Liberalized Active Retirement Scheme for Guaranteed Employee for Safety Staff (LARSGESS) with all consequential benefits.

8.4 That this Hon'ble Tribunal may graciously be pleased to direct the respondents to produce all relevant records before this Hon'ble Tribunal in the interest of justice.

8.5 That any other or further relief which this Hon'ble Tribunal may be deem fit and proper under the circumstances of the case may also be granted in favour of the applicants.

8.6 That the cost of the proceedings may also be awarded in favour to the applicants."

2. The applicant, in this OA, is the employee of the Railways and seeking employment under the Liberalised Active Retirement Scheme for Guaranteed Employment for Safety Staff (in short, LARSGES Scheme) for his son.

3. 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.

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

7. 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 (A)

(Nita Chowdhury)
Member (J)

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