

CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD

Original Application No.362 of 2013  
Date of order : 20-02-2018

Between :

K.C.Rambabu Rao S/o K.Chandraiah,  
Aged about : 30 yrs., Occu : Un-employee,  
R/o Rly Qrs. TPW / A22, Tirupati West Railway  
Quarters, TIRUPATI – 517 502,  
Chittoor Dist., A.P.

(Amended as per Court Order dt.9.12.13

In MA No.1005/13)

....Applicant

AND

1. Union of India, Ministry of Railways,  
Rep. by The Chairman, Railway Board &  
Ex-Officio Secretary to The Ministry of Railways,  
Railway Board, Rail Bhavan, New Delhi – 110 001.
2. The South Central Railway, Secunderabad, Rep by its  
General Manager, Rail Nilayam, Secunderabad – 500 003.
3. The Divisional Railway Manager, South Central  
Railway, Guntakal Division, Guntakal – 515 801,  
Ananthapur Dist., A.P.
4. The Deputy Director Estt. (P & A) II,  
Railway Board, New Delhi – 110 001.
5. Senior Divisional Personnel Officer,  
South Central Railway, Guntakal Division,  
Guntakal – 515 801, Ananthapur Dist., A.P. ....Respondents

Counsel for the Applicant : Mr. B. Sekhar Reddy

Counsel for the Respondents : Mr. N. Srinatha Rao, SC for Rlys

CORAM :

THE HON'BLE MR.JUSTICE R.KANTHA RAO, JUDICIAL MEMBER  
THE HON'BLE MRS. MINNIE MATHEW, ADMINISTRATIVE MEMBER

(Oral order per Hon'ble Mr.Justice R.Kantha Rao, Judicial Member)

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Heard both the learned counsel.

2. This OA is filed seeking to direct the respondents to permit the applicant to take the ongoing 2013 LARSGESS Examination along with the other candidates giving a second chance in compliance with the Serial Circular No.43/2011 and / or to pass such other order or orders as may be pleased and deemed fit and proper under the facts and circumstances mentioned herein. Identical issue fell for consideration before the Hon'ble High Court of Punjab and Haryana at Chandigarh, in Kalasing and others Vs. Union of India wherein the High Court held as follows :-

“LARSGESS 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 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. Further, the order passed by the Hon'ble Punjab and Haryana High Court in CWP No.7714/2016 has also been affirmed by the Hon'ble Supreme Court by dismissing the SLP No.4482/2017, at the hands of respondents-Railways. Therefore, the direction given by the Hon'ble Punjab and Haryana High Court with regard to the LARSGESS Scheme is pending adjudication before the Railway Board. Thus, we deem it appropriate to dispose of this Original Application at this stage awaiting decision to be taken by the Railway Board with regard to the LARSGESS Scheme.

5. Accordingly, this Original Application is disposed of at this stage with liberty to the applicant to file a fresh Original Application if need arises after the decision to be taken by the Railway Board.”

Against the judgment of the Hon'ble High Court of Punjab and Haryana an SLP was filed in Supreme Court by the Railways and the same was dismissed.

3. Since the LARSGESS Scheme was declared as unconstitutional by the Hon'ble High Court of Punjab and Haryana and directed the Railway

Authorities that 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, we are of the view that the OA is not maintainable at present and is liable to be dismissed. However, after the outcome of the decision, if any, at the instance of the Railways for validating the impugned scheme, the applicants are at liberty to file fresh OA.

4. With the above direction, the OA is dismissed.

(MINNIE MATHEW)  
ADMINISTRATIVE MEMBER

(R.KANTHA RAO)  
JUDICIAL MEMBER

Dated : 20<sup>th</sup> February, 2018.  
Dictated in Open Court.

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