

CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

Original Application No. 450 of 2014
Date of order : 20-02-2018

Between :

1. Sunder Appa S/o Appa, aged about 57 years,
Occ : Trackman, South Central Railway, Nanded
Division, R/o 37-B, Selu, Maharashtra State.
2. Deepak Sundarappa Sonkamble S/o Sunder Appa,
Aged 32 years, Occ : Unemployee, R/o 37-B, Selu,
Maharashtra State.

....Applicants

AND

1. The Union of India, Ministry of Railways,
Represented by its Deputy Director Estt. (P&A) II,
Railway Board, Rail Bhavan, New Delhi – 110 001.
2. The Railway Board, Rep by its Secretary (E),
Rail Bhavan, New Delhi – 110 001.
3. The South Central Railway, Secunderabad,
Rep. by its General Manager, Rail Nilayam,
Secunderabad – 500 003.
4. The Senior Divisional Personnel Officer,
South Central Railway, Nanded Division,
Nanded – 431 605, Maharashtra State.

...Respondents

Counsel for the Applicant : Mrs.S.Siva Kumari

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)

Heard both the learned counsel.

2. This OA is filed seeking to direct the Respondents to consider the case of the applicants by allowing them to participate in selection process under

LARSGESS Scheme as per the notification dated 21.01.2014, if necessary by relaxing the cut off date in respect of the 1st applicant. 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 : 20th February, 2018.
Dictated in Open Court.

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