

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH: HYDERABAD**

OA.No./21/1333/2013

Dated: 07/3/2018

BETWEEN:

1. K. Ramesh (Roll No.1375),
S/o. K. Venkata Subbaiah,
Aged about 26 years,
Occ: Unemployee,
R/o. Thimmayagunta Village, Vallivedu (Post),
Venkatagiri (Mandal), SPSR Nellore Dist. – 524 132,
Andhra Pradesh.
2. B. Srinivasulu (Roll No.1394),
S/o. B. Thirupal,
Aged about 27 years,
Occ: Unemployee,
R/o. Busapalem Harijanawada, Vallivedu (Post),
Venkatagiri (Mandal), SPSR Nellore Dist. – 524 132,
Andhra Pradesh.
3. K. Venkata Subbaiah (Roll No.1385),
S/o. K. Ankaiah,
Aged about 34 years,
Occ: Unemployee,
R/o. Thimmayagunta Village, Vallivedu (Post),
Venkatagiri (Mandal), SPSR Nellore Dist. – 524 132,
Andhra Pradesh.
4. T. Ramanjineyulu (Roll No.1241),
S/o. Pakkirappa,
Aged about 22 years,
Occ: Unemployee,
R/o. D.No. 2/229, Bethapalli Village,
Gutti Mandal, Guntakal Mandal,
Anantapur Dist – 515 401, Andhra Pradesh.
5. U. Sudhakarana (Roll No.1207),
S/o. U. Sunkanna,
Aged about 22 years,
Occ: Unemployee,
R/o. D.No. 2/10, Nakkanadoddi Village & Post,
Guntakal Mandal, Anantapur Dist.,
Andhra Pradesh – 515 803.

6. G. Nette Kantaiah (Roll No.1155),
S/o. Pakeerappa,
Aged about 32 years,
Occ: Unemployee,
R/o. D.No.12/1, Maddikera Post &
Mandal, Kurnool District – 518 385, Andhra Pradesh.

..... Applicants

AND

1. Union of India, Ministry of Railways rep. by
The Chairman, Railway Board and
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, Anantapur Dist., A.P.
4. Union of India, Ministry of Railways rep. by its
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,
Anantapur Dist., A.P.

..... Respondents

Counsel for the Applicant : Mr. B. Sekhara Reddy, Advocate
Counsel for the Respondents : Mr. N. Srinatha Rao, SC for Rlys.

CORAM

Hon'ble Mr. Justice R. Kantha Rao, Judicial Member
Hon'ble Mrs. Minnie Mathew, Administrative Member

ORAL ORDER

{Per Hon'ble Mr. Justice R. Kantha Rao, Judicial Member}

No representation for the applicant.

2. Heard Mr. N. Srinatha Rao, learned Standing Counsel for the Respondent Railways.

3. The applicants have filed the OA seeking a direction to the respondents to exempt them from Physical Efficiency Test for the purpose of appointment under LARSGESS Scheme. They relied on the order of this Tribunal in OAs. Nos.279/13,881/13& 966/13 whereunder on identical facts according to them the same relief was granted to the applicants therein. Mr. N. Srinatha Rao, learned Standing counsel for Respondent Railways brought to our notice that the Hon'ble High Court of A.P. in W.P.Nos.745,1689 and 1776/2015 set aside the order passed by the Tribunal in the three OAs. The order of the Hon'ble High Court at para 13, 14 &15 reads as follows:-

“13. The respondents 1 to 103 herein applied for the first cycle of the relevant year. By the proceedings dated 29.03.2011, the Board directed the process of retirement-cum-recruitment to start from July, 2011 for the calendar year 2011. The relaxation from the conduct of Physical Efficiency Test, was granted only in respect of the recruitment cycle of July – December, 2011 under the Deputy Director's letter dated 17.5.2012. Unfortunately, the respondents 1 to 103 herein did not participate in the said cycle. Therefore, the relaxation granted under the said letter dated 17.5.2012 was not applicable to their cases.

14. The above important aspect has been lost sight of by the Central Administrative Tribunal. Moreover, the respondents 1 to 103 cannot be granted any relief as on date. It appears that about 117 employees applied under the scheme LARSGESS. Out of them, 6 persons continue to be in service. The remaining 111 continued in service up to the date of retirement and have already reached the age of superannuation. In other words, the parents of more than 90% of the respondents 1 to 103 herein continued to work from the date of announcement of the scheme in the year 2010, upto the date of their normal date of superannuation and have retired. Hence, if the order of the Tribunal is sustained, the respondents 1 to 103 will be conferred with

two benefits, namely (1) that of allowing their parents to

continue in service up to the normal age of retirement and (2) that of granting appointment to their wards, converting the posts as hereditary posts.

15. In view of the above, the writ petitions deserve to be allowed. Accordingly, they are allowed and the common order of the Tribunal is set aside. The original applications filed by the respondents 1 to 103 herein shall stand dismissed. The miscellaneous petitions, if any, pending in these writ petitions shall stand closed. No costs.”

4. In view of the judgment of the Division Bench of Hon’ble High Court in the aforesaid Writ Petitions, the applicants in the present case are not entitled to the relief prayed for in the OA. The O.A. is therefore, dismissed without any order as to costs.

(MINNIE MATHEW)
ADMN. MEMBER

(JUSTICE R. KANTHA RAO)
JUDL. MEMBER

Dated the 07th March, 2018
(Dictated in the Open Court)

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