

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

O.A. No.285/2013

Dated: 09.01.2018

BETWEEN:

1. T. Chinna Lalu Swamy,
S/o. Sunkanna,
Aged about 28 years,
Occ: Unemployee,
R/o. Bevanahal, Alarivi,
Aluru Mandal, Kurnool Dist.,
Andhra Pradesh.

2. B. Rajagopal,
S/o. B. Yerriswamy,
Aged about 32 years,
Occ: Unemployee,
R/o. T. Chaki Banda, Alarivi,
Aluru Mandal, Kurnool District,
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,
Rail 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 District (AP).

4. The Deputy Director Estt. (P&A) II,
Railway Board, Rail Bhavan,
New Delhi – 110 001.

5. Senior Divisional Personnel Officer,
South Central Railway, Guntakal Division,
Guntakal – 515 801, Anantapur District (AP).

... Respondents

Counsel for the Applicant : Mr. B. Sekhara Reddy
Counsel for the Respondents : Mr. N. Srinatha Rao
SC for Railways

CORAM

Hon'ble Mr. Justice R. Kantha Rao, Judl. Member
Hon'ble Mrs. Minnie Mathew, Admn. Member

ORAL ORDER
{Per Hon'ble Mr. Justice R. Kantha Rao, Judl.Member }

Heard the learned Standing Counsel for the Respondents.

2. This OA is filed seeking a direction to 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 15.01.2013 taking into consideration the cut-off date for reckoning the eligibility of the applicants as 30.06.2012. 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.”

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

4. Since the LARSGESS Scheme was declared as unconstitutional by the High Court of Punjab & 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 O.A. 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

validating the impugned scheme, the applicants are at liberty to file a fresh O.A.

4. With the above observation, the OA is dismissed . No costs.

(MINNIE MATHEW
ADMN. MEMBER

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(JUSTICE R. KANTHA RAO
JUDL. MEMBER

Dated the 9th January, 2018
(Dictated in the Open Court)