

**CENTRAL ADMINISTRATIVE TRIBUNAL,
MUMBAI BENCH, MUMBAI.**

O.A.No.100/2017

Dated this Thursday the 9th day of February, 2017.

**Coram: Hon'ble Shri Arvind J. Rohee, Member (J).
Hon'ble Ms. B. Bhamathi, Member (A).**

Mr. Dattaram Deoji, aged 59 years
Working as 'Gangman'
Under Sr. Section Engineer (P/Way)
PEN, Central Railway and
Residing at village Maleghar,
Post Kandalpada,
Ta.PEN, District Raigad, pin 402 107.
... Applicant.

(By Advocate Shri S. N. Pillai)

Versus

1. UNION OF INDIA, through
The General Manager,
Central Railway,
CST, Mumbai- 400 001.
2. The Division Railway Manager,
Central Railway,
CST, Mumbai- 400 001.
3. Sr. Divisional Engineer (CO)
Central Railway,
CST, Mumbai- 400 001.

... Respondents.

ORDER (O R A L)

Per : Arvind J. Rohee, Member (Judicial)

The applicant who is working as Trackman with the respondents at PEN in district Raigad approached this Tribunal under Section 19 of Administrative Tribunals Act 1985 for seeking retirement and appointment for his son in Group 'D' under LARSGESS Scheme. The following reliefs are sought in this OA:-

- "i) that this Hon'ble Tribunal
be pleased to direct the

respondents to consider the case of the Applicant for retirement under the 'Liberalizes Active Retirement Scheme for Guaranteed Employment for Safety Staff', and if the applicant satisfy the requirements for retirement as on the date of his application, allow him to retire, with immediate effect, against appointment of his son.

ii) Cost of this Application be awarded.

Iii) Any other and further relief as this Hon'ble Court may deem fit and proper under the circumstances of the case."

2. Today when the matter was called out for admission, we have heard the submissions of Shri S. N. Pillai, learned Advocate for the applicant. We have carefully gone through the case record.

3. The applicant submitted his application dated 21.02.2013 (**Annexure A-1**) for seeking retirement and for appointment of his son under LARSGESS Scheme. It is his grievance that office note was prepared by the Divisional Personnel Office on 10.08.2013 (**Annexure A-6**). However, there is no progress in the matter and a false reply was given to the RTI query that his application was not received.

4. It is thus obvious that there is no impugned order passed by the respondents as such which can be judicially reviewed. Hence, we are of the considered view that ends of justice will be

met in case appropriate directions are issued to the respondents for redressal of the applicant's grievance.

5. The respondent no.2 is, therefore, directed to consider and pass an appropriate and reasoned order, according to law on the pending application of the applicant by considering the provisions of LARSGESS Scheme within a period of 8 weeks from the date of receipt of certified copy of this order and communicate the same to the applicant at the earliest, who will be at liberty to approach the appropriate forum in case his grievance still persists.

6. The OA stands disposed off accordingly with the above directions at the admission stage and keeping all legal pleas open, and without issuing notice to the respondents.

7. Registry to forward copy of this order to the respondents along with one spare set of OA for taking necessary steps by respondent no.2.

(Ms. B.Bhamathi)
Member (A)

(A.J.Rohee)
Member (J)

Vyc

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