

(Reserved on 03.04.2019)

**CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD**

Original Application No. 330/00065/2017

This the **05th** day of **April, 2019.**

HON'BLE MS. AJANTA DAYALAN, MEMBER (A)
HON'BLE MR. RAKESH SAGAR JAIN, MEMBER (J)

Badam Singh, S/o Shri Nathu Ram, aged about 56 years, R/o Bhagwatpura,
near forest office, Jhansi, District - Jhansi.

.....Applicant

By Advocate: Shri S.M. Ali

Versus

1. Union of India through General Manager, North Central Railway (Head Quarter), Allahabad.
2. Divisional Railway Manager (P), North Central Railway, Jhansi.
3. Senior Section Engineer, Track Distribution, North Central Railway, Dabra.

.....Respondents

By Advocate : Shri Kamlesh Sharma

ORDER

Delivered by : Hon'ble Ms. Ajanta Dayalan, Member (A)

Heard Shri S.M. Ali, learned counsel for the applicant and Shri Kamlesh Sharma, learned counsel for the respondents.

2. The applicant Badam Singh has filed this Original Application for following relief(s): -

“(i). to consider the V.R.S. application dated 30.01.2016 of the applicant under LARSGESS 2016 with all consequential benefits within time bound period.

(b). to pass any such order and direction as deem fit in the facts and circumstances of the case.”

3. It appears that Railway was running a Scheme known as Liberalised Active Retirement Scheme for Guaranteed Employment for Safety Staff (in short LARSGESS).

4. The applicant who was working as Khalasi under the respondents railways, applied for voluntary retirement under the aforesaid LARSGESS Scheme vide his application dated 30.01.2016 (Annexure A-4). As per the applicant, as he has completed 56 years of service and his son is also fulfilling all the conditions under the LARSGESSS, his case was recommended vide letter dated 08.02.2016 (Annexure A-5) but the respondents have not considered his case for voluntary retirement and appointment of his son under LARSGESS Scheme.

5. Main relief in the OA is voluntary retirement of the applicant and appointment of his son under the Liberalised Active Retirement Scheme for Guaranteed Employment for Safety Staff (in short LARSGESS) .

6. The issue of LARSGESS Scheme was examined by Hon'ble Punjab and Haryana High Court in CWP No. 7714/2016 arising out of the order passed by Chandigarh Bench of this Tribunal in the case of Kala Singh and others vs. Union of India and others in OA No. 060/656/2014. While disposing of the CWP No. 7714/2016, Hon'ble High Court vide the judgment dated 27.04.2016 held that the LARSGESS Scheme does not stand the test of the Article 14 and 16 of the Constitution of India and the Railway Board was directed to reconsider the said Scheme. The Review petition filed by the respondents was also dismissed by Hon'ble High Court vide order dated 14.07.2017. Subsequently the Railway Board challenged the order of Hon'ble High Court before Hon'ble Supreme Court in the SLP (C) No. 508/2018 and vide order dated 8.1.2018, Hon'ble Supreme Court declined to interfere with the order of Hon'ble High Court.

7. Thereafter, the Railway Board has reviewed the LARSGESS Scheme as per the direction of Hon'ble Punjab and Haryana High Court and vide its order dated 26.09.2018 (R.B.E. No. 150/2018) has decided as under:-

“2. In compliance with the above directions, Ministry of Railways have revisited the scheme duly obtaining legal opinion and consulted Ministry of Law & Justice. Accordingly, it has been decided to terminate the LARSGESS Scheme w.e.f. 27.10.2017 i.e. the date from which it was put on hold. No further appointments should be made under the Scheme except in cases where employees have already retired under the LARSGESS Scheme before 27.10.17 (but not normally superannuated) and their wards could not be appointed due to the Scheme having been put on hold in terms of Board's letter dated 27.10.17 though they had successfully completed the entire process and were found medically fit. All such appointments should be made with the approval of the competent authority.”

8. Subsequently, another Circular dated 28.09.2018 (RBE No. 15/2018) was issued. The contents of Circular is reproduced as below: -

“In supersession to Railway Board's letter No. E(P&A)1-2015/RT-43 dated 26.09.2018, it is stated that while the LARSGESS Scheme continues to be on hold with effect from 27.10.2017 on account of various cases, to impact natural justice to the staff who have already retired under LARSGESS scheme before 27.10.2017 (but not naturally superannuated) and appointment of whose wards was not made due to various formalities, appointment of such of the wards/candidates can be made with the approval of the competent authority.”.

9. Thus the LARSGESS Scheme has been terminated with effect from 27.10.2017 and only the cases where the employees have already retired under LARSGESS before 27.10.2017 which is not normal superannuation, who are not normally superannuated and whose case could not be considered because of the order of the Railway Board to put the Scheme on hold can be considered under the Scheme.

10. In view of the circumstances as discussed above, this OA is finally disposed of by remitting the matter to the competent authority among the respondents to consider the case of the applicant in the light of the Railway

Board order dated 26.09.2018 (R.B.E. No. 150/2018) as well as Circular dated 28.09.2018 (RBE No. 15/2018) and to pass an appropriate speaking order under intimation to the applicant within three months from the date of receipt of a copy of this order.

11. It is made clear that we have not expressed any opinion about the merit of the case while passing this order.

12. There will be no order as to costs.

MEMBER-J

MEMBER-A

Anand...