

(OPEN COURT)

**CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH
ALLAHABAD**

This is the 27TH day of **NOVEMBER, 2018**.

ORIGINAL APPLICATION NO. 330/1244/2018

**HON'BLE MR JUSTICE BHARAT BHUSHAN, MEMBER (J)
HON'BLE MR GOKUL CHANDRA PATI, MEMBER (A)**

1. Hardayal, aged about 59 years, S/o Pita Ram (R.G.K.) Senior Khand Engineer, Rail Path Chirgaon, Jhansi.Applicant.

VERSUS

1. Union Government of India through General Manager, North Central Railway, Subedarganj, Allahabad.
2. The Senior Assistant Mandal Engineer Kanpur.
3. Senior Khand Engineer Rail Path Chirgaon Jhansi.
4. Regional Manager, Railway Karmik JhansiRespondents

Advocate for the Applicant : Shri Akhilesh Kumar Tripathi

Advocate for the Respondents : Shri Shesh Mani Mishra

O R D E R

(Delivered by Hon'ble Mr. Gokul Chandra Pati, Member-A)

Shri Akhilesh Kumar Tripathi, learned counsel for the applicant and Shri Shesh Mani Mishra, learned counsel for the respondents are present.

2. The applicant has filed this Original Application (in short OA) under section 19 of the Administrative Tribunals Act, 1985 (in short Act) with the prayer for the following reliefs:-

"(A) To issue a mandamus directing the respondents to appoint the son of applicant namely Deewan in pursuance of Larsges scheme (notification dated 01.07.2015) and also direct to the respondents authorities to decide the representation of the applicant on 20.7.18 and such it is declared that this Hon'ble Tribunal has territorial jurisdiction.

(B) To pass any other order or direction as deem fit in the facts and circumstances of the case."

3. Main relief in the OA is appointment of the son of the applicant, under the Liberalised Active Retirement Scheme for Guaranteed Employment for Safety Staff (in short LARSGESS) in pursuance to the

notification issued by the respondents. But such claim has not been accepted by the respondent railway.

4. 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 re-consider 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.

5. 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.”

6. 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 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.

7. In view of the circumstances as discussed above, this OA is disposed of by remitting the matter to the Respondent No. 1 (General Manager, North Central Railway, Allahabad)/ competent authority as nominated by respondent no. 1 to consider the case in the light of the Railway Board order dated 26.09.2018 (R.B.E. No. 150/2018) and to pass an appropriate speaking order under intimation to the applicant within two months from the date of receipt of a copy of this order. It is made clear that we have not expressed any opinion about the merit of the case while passing this order. There will be no order as to costs.

(GOKUL CHANDRA PATI)
MEMBER-A

(JUSTICE BHARAT BHUSHAN)
MEMBER-J

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