

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...
ORIGINAL APPLICATION NO.060/00158/2019
Chandigarh, this the 19th day of February, 2019

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CORAM:HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J) &
HON'BLE MS. P. GOPINATH, MEMBER (A)

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1. Jai Pal aged 60 years, s/o Sh. Mam Chand, R/o 24, Indira Colony, Ambala City (Haryana) Pin – 133001.
2. Kishori Lal aged 60 years, s/o Sh. Sohan Lal R/o 430/1 Railway Colony, Ambala Cantt (Haryana) Pin- 133001.

.....Applicants

(Present: Mr. Karnail Singh, Advocate)

Versus

1. Union of India through General Manager, Northern Railway, HQ Office, Baroda House, New Delhi – 110001.
2. Chief Bridge Engineer, Northern Railway HQ Office, Baroda House, New Delhi – 110001.
3. CPO, Northern Railway, HQ Office, Baroda House, New Delhi – 110001.

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Respondents

(Present: Mr. Yogesh Putney, Advocate)

ORDER (Oral)

SANJEEV KAUSHIK, MEMBER (J)

1. MA No. 060/00323/2019 is allowed and the applicants are allowed to join together to file this single M.A.
2. By means of the present O.A., the applicants have prayed for issuance of a direction to the respondents to decide their pending representation dated 01.03.2016 (Annexure A-4) for appointment of their wards under the LARSGESS scheme.
3. Heard.
4. Learned counsel submitted that the applicants earlier approached this Tribunal by filing O.A. No. 060/01265/2017, which was disposed of vide order dated 12.01.2018, in view of

decision of the Jurisdictional High Court in the case of **Kala Singh & Others Vs. Union of India & Others** (CWP NO. 7714/2016), as the matter for appointment under LARSGESS was pending before the Delhi High Court. He submitted that the respondents have recently issued a letter dated 28.09.2018 (Annexure A-1) stating therein that 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, the appointment of such of the wards/candidates can be made with the approval of the competent authority. Learned counsel prayed that a direction be issued to the respondents to consider their claim in view of the indicated letter (Annexure A-1).

5. Notice.

6. At this stage, Mr. Yogesh Putney, Advocate, who is present in the Court, accepts notice. He submitted that the LARSGESS scheme has already been withdrawn after it has been declared invalid being in violation of Articles 14 and 16 of the Constitution of India, by the Court of law. However, he submitted that the case of the applicants can be considered if it is covered under the parametres referred to in the letter dated 28.09.2018 (Annexure A-1).

7. In the wake of above, the O.A. is disposed of, in limine, with a direction to the respondents to consider the cases of the applicants for appointment of their wards under LARSGESS scheme, in the light of indicated letter (Annexure A-1), by passing a reasoned and speaking order, within a period of two months from the date of receipt of a copy of this order.

8. Needless to mention that the disposal of the O.A. shall not be construed as an expression of any opinion on the merit of the case. No costs.

(P. GOPINATH)
MEMBER (A)

(SANJEEV KAUSHIK)
MEMBER (J)

Dated: 19.02.2019

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