

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O.A.No.260/25/2015

Date of Reserve: 01.03.2019
Date of Order: 05.04.2019

CORAM:

HON'BLE MR.GOKUL CHANDRA PATI, MEMBER(A)
HON'BLE MR.SWARUP KUMAR MISHRA, MEMBER(J)

1. Chanchala Naik, W/o. Fagu Naik, presently working as Khalasi under SSE/C&W/PUR.
2. Ranjan Naik, aged about 33 years, S/o. Chanchala Naik (Mother) & Fagu Naik (Father).

Both are of Village/PO-Berboi, PS-Delang, Dist-Puri.

...Applicants

By the Advocate(s)-M/s.D.P.Dhalasamant
N.M.Rout

-VERSUS-

Union of India represented through:

1. The General Manager, east Coast Railway, Rail Vihar, Chandrasekharpur, Bhubaneswar, Dist-Khurda-751 017.
2. Divisional Railway Manager, East Coast Railway, Khurda Road, Dist-Khurda.
3. Senior Divisional Personnel Officer, East Coast Railway, Khurda Road, Dist-Khurda.
4. Divisional Personnel Officer, East Coast Railway, Khurda Road, Dist-Khurda.

...Respondents

By the Advocate(s)-Mr.T.Rath
ORDER

PER SWARUP KUMAR MISHRA, MEMBER(J):

Applicant No.1 is the mother of the applicant, who is presently working as Khalasi under SSE/C&W/PUR. Applicant No.2 is her son. They have approached this Tribunal being aggrieved by non-consideration of appointment of applicant No.2 in the Railways in pursuance of Liberalized Active Retirement Scheme for Guaranteed Employment for Safety Staff (in

short LARSGESS) Scheme. They have therefore, prayed for a direction to be issued to the respondent-railways to appointment applicant No.2 in the Railways under LARSGESS Scheme.

2. Heard the learned counsels for both the sides and perused the records. From the pleadings of the parties the short point that emerges for consideration is whether the applicant No.2 is eligible to be considered for appointment in the Railways under the LARSGEES Scheme.

3. Admittedly, on an application made in pursuance of notification dated 5.2.2012, applicant No.2 had appeared the examination that was held on 5.8.2012 for appointment of eligible candidates under the LARSGEES Scheme. In the examination, he could not qualify. He was offered one more chance to appear in the written examination on 22.01.2013 against LARSGEES, 2012 (1st half). However, this time also, the applicant No.2 could not get through. Subsequently, a notification dated 24.6.2013 (A/5) was issued by the Railways inviting applications from the eligible staff in response to which applicant No.1 submitted an application for consideration of her son, applicant No.2. After screening and verification of documents, provisional panel of the candidates duly approved by the competent authority was published vide Memorandum dated 28.01.2014 (A/8), in which the name of the applicant was found place at SI.No.19. While issuing the offer of appointments in favour of the empanelled candidates in pursuance of panel published vide Memorandum dated 28.01.2014, it was detected that applicant No.1, the mother of applicant No.2 had not completed 20 years qualifying service in specified safety category since she had joined safety category post , i.e. Khalasi on 24.09.2010 in the Mechanical Department and prior to that date, she was working as Safaiwalla in Commercial Department, which

pertains to non-safety category. Hence, applicant No.2 was not eligible to be considered under the LARSGEES, 2013 (2nd half). This is the backdrop in which the applicant No.2 despite his name having been found place at SI.No.19 of the panel could not be offered appointment letter.

4. At this juncture, we would like to note that the Respondents have produced a letter dated 26.09.2018 of the Railway Board regarding termination of the LARSGEES Scheme in view of directions of the Hon'ble Court of Punjab and Haryana and the orders of the Hon'ble Supreme Court of India in SLP(C) No.508/2018 dated 08.01.2018 in which it has been decided to terminate the LARSGEES Scheme with effect from 27.10.2017 i.e., the date from which it was put on hold and consequently, no further appointments should be made under the Scheme except in cases where employees have already retired under the LARSGEES Scheme before 27.10.2017 (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 27.10.2017 through they had successfully completed the entire process and where found medically fit. It is to be noted that the grievance of the applicant for appointment under the LARSGEES Scheme relates to 24.6.2013 which is much prior to 27.10.2017, i.e., the date from which the Scheme was put on hold and as such, nothing stands in the way for considering the case of the applicant No.2 under the said Scheme.

4. We have considered the rival submissions and perused the records. It is a fact on record that Applicant No.1 was initially appointed as Safaiwalla on 14.11.1988 being posted under the Commercial Department and due to mechanization in the field of cleanliness, the posts of Safaiwalla were surrendered and those posts were declared supernumerary posts till their

redeployment. Ultimately, Applicant No.1 was redeployed and posted as Khalasi under Senior Section Engineer(C&W)/Puri vide order dated 31.8.2010 in which post she joined on 24.9.2010. It is also not in dispute that the post of Safaiwalla does not come under the safety category whereas the post of Khalasi comes under the safety category. Respondents have not made it clear as to how and under what circumstances applicant No.2 had been allowed to appear the examinations for appointment under the LARSGEES Scheme on 5.8.2012 and 22.01.2013 against LARSGEES, 2012 (1st half) and because he could not qualify, no offer of appointment was issued, apart from the fact that even though in pursuance of notification dated 24.6.2013 (A/5) inviting applications from the eligible staff, applicant No.2's candidature was considered and after screening and verification of documents, provisional panel of the candidates duly approved by the competent authority was published vide Memorandum dated 28.01.2014 (A/8) in which his name was found place at Sl.No.19, he was not issued offer of appointment on the ground that applicant No.1 had not completed 20 years qualifying service in the specified safety category. In our considered view, this point ought to have been considered in the light of the rules and instructions on the subject. In view of this, we direct the Senior Divisional Personnel Officer, East Coast Railways (Res.No.3) to reconsider the matter in the light of the Railway Board letter dated 26.09.2018 on the subject as well as the observations made above and pass an appropriate order within a period of 45 days from the date of receipt of this order.

5. In the result, the O.A. is allowed as above, with no order as to costs.

(SWARUP KUMAR MISHRA)
MEMBER(J)

BKS

(GOKUL CHANDRA PATI)
MEMBER(A)

