

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH
JABALPUR

Original Application No.200/00867/2015

Jabalpur, this Wednesday, the 01st day of May, 2019

HON'BLE MR. NAVIN TANDON, ADMINISTRATIVE MEMBER
HON'BLE MR. RAMESH SINGH THAKUR, JUDICIAL MEMBER

1. Aziz Ahmad, S/o Late Shri Nazir Ahmad, aged about 57 years, R/o House No.55, Raju Nagar, Diseal sead Road Ratlam, District Ratlam (M.P.) 457001.

2. Sagir Ahmad, S/o Aziz Ahmad, aged about 32 years, R/o House No.55, Raju Nagar, Diseal sead Road Ratlam, District Ratlam (M.P.) 457001.

-Applicants

(By Advocate – Shri Rajesh Soni)

V e r s u s

1. Union of India through its Secretary, Department of Railway, Rail Bhawan, Delhi 110001.

2. The General Manager, Western Railways Head Quarters Church Gate Mumbai (Maharashtra) 400020.

3. The Chief Personnel Officer, Western Railways Head Quarters Church Gate, Mumbai (Maharashtra) 400020.

4. The Divisional Railway Manager, Western Railways, Do-Batti Ratlam, District Ratlam, M.P. 457001.

5. Senior Divisional Engineer, Western Railways, Do-Batti Ratlam, M.P. 457001.

6. Assistant (Personal) officer (Engineering) through Divisional Railway Manager, Western Railways, Do-Batti, Ratlam, M.P. 457001.

7. Rakesh Bhai, S/o Budha Rama working as in the office Panchamahar, Senior Section Engineer OHE/TRD, Godhra Western Railway, Godhra, District Gujrat.

8. Bankim Chandra, S/o Arvind Budha, working as in the Office Senior Section Engineer OHE/TRD/Valsad, Western Railway, Balsad, District Balsad
- **Respondents**

(By Advocate – Shri Sapan Usrethe)

ORDER (O R A L)

By Navin Tandon, AM.

The applicants are aggrieved that the son (applicant No.2) has not been given appointment with the respondent department under Liberalized Active Retirement Scheme for Guaranteed Employment for Safety Staff (LARSGESS).

2. The applicant No.1 was working in the respondent department on the post of Khalasi. He submits that he was working from the date of his appointment, i.e. 26.03.1980 in the safety category. In terms of the scheme known as LARSGESS circulated on 22.11.2010 (Annexure A-4), he submitted his application (Annexure A-6), which was forwarded by his Supervisor vide Annexure A-7.

2.1. With passage of time when he did not receive any offer of appointment for his son, applicant No.1 approached this Tribunal in OA No.857 of 2013, which was decided on 17.03.2015

(Annexure A-14) by directing the respondents to pass a reasoned order within a period of three months.

2.2 Accordingly, the respondent department, vide their order dated 04.08.2015 (Annexure A-1), has rejected the claim of the applicant No.1 by stating that he is not covered under the LARSGESS.

3. The applicants have, therefore, sought for the following reliefs:

“8. Relief Sought:

In view of the facts and ground mentioned above in Para 4 and 5 the applicant prays for following relief from this Hon’ble Court:

8.1 That the impugned order dated 20.04.2015 and 04.08.2015 passed by the Respondents may kindly be set-aside and may kindly be call the entire record pertaining to the applicants for kind perusal of this Hon’ble Court.

8.2 That this Hon’ble Court be pleased to direct the respondents to grant the benefit as per the scheme “For the Appointment of wards under LARSGESS for Assistant Loco Pilots” according “Similarly situated employees namely “Rakesh Bhai” and “Bankim Chandra”, according to order dated 05.12.2011 and 12.09.2013.

8.3 Any other order/orders/directions deem fit and proper in favor of the petitioner may kindly be awarded. In the interest of justice.”

4. Heard both sides.

5. The respondents, in their reply, have very specifically mentioned that applicant No.1 was working in Electrical (TRD) department as a Khalasi having Grade Pay of Rs.1800/-. This department was not listed in RBE No.131/2010 and was included only on 24.03.2014 vide RBE No.31/2014 (Annexure R-1).

5.1 The application of applicant No.1 in the two cycles of 2014 was not considered as he had not completed mandate 10 years of service in the safety category.

5.2 Further, Railways vide their order dated 26.09.2018 (RBE No.150/2018, has terminated the LARGEES in view of the directions of Hon'ble Punjab & Haryana High Court dated 27.04.2016 in CWP No.7714 of 2016 and the orders of Hon'ble Supreme Court dated 08.01.2018 in SLP (c) No.508/2018.

6. Accordingly, the O.A is dismissed. No costs.

(Ramesh Singh Thakur)
Judicial Member

(Navin Tandon)
Administrative Member

am/-