

**Central Administrative Tribunal
Madras Bench**

OA 310/01575/2018

Dated Wednesday the 28th day of November Two Thousand Eighteen

P R E S E N T

**Hon'ble Mrs. Jasmine Ahmed, Member (J)
&
Hon'ble Mr. R.Ramanujam, Member(A)**

D. Erudayanathan
No. 468/B, Pananthope Railway Colony
I Street, Ayanavaram
Chennai – 600 023. .. Applicant

By Advocate **M/s. Giridhar & Sai**

Vs.

1. Union of India
Represented by the General Manager
Southern Railway
Park Town, Chennai – 600 003.

2. The Chiarman
Ministry of Railways
Railway Board
New Delhi – 110 001.

3. The Deputy Director (Esst) (P&A) – 1
Ministry of Railways
Railway Board
New Delhi – 110 001.

4. The Joint Director (P&A)
Ministry of Railways
Railway Board
New Delhi – 110 001.

5. The Chief Project Director

Railway Electrification
Egmore, Chennai – 600 008.

6. The Principal Chief Personnel Officer
Head Quarter's Office
Personnel Branch
Southern Railway
Chennai – 600 003.

7. Senior Divisional Personnel Officer
Divisional Railway Manager
Personnel Branch
Chennai Division
Southern Railway
Chennai – 600 003.

.. Respondents

By Advocate Mr. P. Srinivasan

ORAL ORDER

Pronounced by Hon'ble Mrs. Jasmine Ahmed, Member(J)

Heard. The applicant has filed this OA under Section 19 of the Administrative Tribunals Act, 1985 seeking the following reliefs:

“1. To call for the records pertaining to the Order No. M/P1(E)579/V/TRS/LARSGESS dated 12.05.2015 passed by the 7th Respondent (served along with the impugned order dated 30.08.2018); order No. PB/CS/30/LARSGESS/RE/MAS Divn/Court case dated 10.07.2018 passed by the 6th respondent; Order No. ETR/252/RE/8151/2 LARSGESS dated 30.08.2018 passed by the 5th respondent and to set aside the same;

2. To call for the records pertaining to Railway Board Order No. E(P&A)I-2015/RT-43 dated 27.10.2017 passed by the 3rd respondent; Order No. E(P&A)I-2015/RT-43 dated 28.09.2018 passed by the 4th respondent in so far as (a) fixing the cut off date as 27.10.2017 and putting on hold the LARSGESS in respect of Notifications under the scheme issued prior thereto thereby infringing on vested rights created in favour of the applicant further to Notification bearing LARSGESS: 01/2014 under which the applicant has applied for retirement; (b) and extending the benefit of LARSGESS only to those employees who have already been permitted to retire under the scheme, but whose wards have not been given appointment are concerned; and to set aside the same;

3. To direct the respondents to permit the applicant to retire on voluntary retirement basis under the LARSGESS or in the alternative, in the event of applicant superannuating in the meantime pending disposal of the OA,to direct the respondents to treat the applicant's superannuation as voluntary retirement for the purpose of and further to the Notification bearing LARSGESS: 01/2014 issued under LARGESS

4. To appoint the applicant's ward as Khalasi Helper or such other eligible post under Notification bearing LARSGESS: 01/2014 issued under LARGESS on and from the date of such retirement, with arrears of pay and allowances and all consequential benefits.

5. To award costs, and pass such further and other orders”

2. This is the second round of litigation. In the first round of litigation in OA 301/2018 direction was given by this Tribunal to decide and dispose of the representation dated 26.12.2017 of the applicant within a period of three weeks from the date of receipt of copy of the order vide order dt. 02.03.2018. In pursuance thereof the respondents have issued an order dated 10.07.2018. While perusing the impugned order dated 10.07.2018 we found that the respondents while passing this order has not taken into account the points raised by the applicant in his representation dated 26.12.2017. To be more specific, learned counsel for the applicant raised the point of discrimination and states that similar other persons who also worked as Driver and who had completed the qualifying service has been extended the benefit but the respondents has not considered the applicant's case which is arbitrary, illegal and discriminatory in nature.

3. We find that in the impugned order dated 10.07.2018 not a whisper was made in regard to the discrimination or similarly situated persons has been answered by the respondents. Accordingly we feel that the respondents should have taken note of the valid point and pass a reasoned speaking order.

4. Mr. P. Srinivasan takes notice for the respondents.

5. Hence we direct the respondents to decide the representation afresh taking

into account each and every point raised by the applicant in his representation dated 26.12.2017 and pass a detailed reasoned and speaking order also taking into account the current status of LARSGESS scheme within a month from the date of receipt of certified copy of this order.

6. Accordingly we dispose of this OA at the admission stage without commenting anything on the merits of the case.

(R. Ramanujam)
Member (A)

28.11.2018

(Jasmine Ahmed)
Member(J)

AS