

**CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH: NEW DELHI**

CP No.352/2017  
In  
O.A. No.987/2016

Reserved On: 07.12.2018

Pronounced on: 13.12.2018

**HON'BLE MR. V. AJAY KUMAR, MEMBER (J)**  
**HON'BLE MS. ARADHANA JOHRI, MEMBER (A)**

Puran Singh, Aged 58 years,  
S/o Shri Simoo,  
Working as Keyman  
At Northern Railway Station, Tuglakabad,  
R/o Railway Hut, Railway Colony,  
Tuglakabad, New Delhi. .....Petitioner

(By Advocate: Shri Yogesh Sharma)

Versus

1. Shri R.K. Kulshreshta,  
General Manager,  
Northern Railway,  
Baroda House,  
New Delhi.
2. Shri R.N. Singh  
Divisional Railway Manager,  
Northern Railway,  
Delhi Division,  
State Entry Road,  
New Delhi.
3. Shri Dharamvir Singh  
Assistant Divisional Engineer,  
Northern Railway Tugalkabad,  
New Delhi. ..Respondents

(By Advocate: Shri S.M. Arif)

**ORDER**

**By Hon'ble Mr. V. Ajay Kumar, Member (J)**

OA No.987/2016 filed by the petitioner questioning the rejection of his request for voluntary retirement under the

Liberalised Active Retirement Scheme for Guaranteed Employment for Safety Staff (in short, LARSGES Scheme) was disposed of by this Tribunal on 05.10.2016, as under:-

“3. Therefore, I do not see any reason why the respondents have any confusion in this matter. As regards date of application not being mentioned either by the applicant or by the SSE/P.Way/Tuglakabad as well as ADEN/Tuglakabad, this is such a frivolous issue that I fail to see how such an important matter can be brushed aside on such a trivial issue. Even if I accept that the employee has not signed the application, he cannot be blamed for the SSE/P. Way/Tuglakabad as well as ADEN/Tuglakabad not signing. The objections raised by the respondents are frivolous and has to be rejected out right. The impugned order dated 01.04.2015 is, therefore, quashed and set aside and the respondents are directed to consider the application for VRS under LARGESS Scheme in the second cycle of 2013 and pass necessary orders within a period of three months. No costs.”

2. The W.P. (C) No.4148/2017 filed by the respondents against the aforesaid orders of this Tribunal was dismissed, by the Hon'ble High Court of Delhi, by an order dated 15.05.2017.

3. SLP (C) No.9654/2018 filed by the respondents was also dismissed on 06.04.2018.

4. After the W.P. (C ) No.4148/2017 was dismissed, affirming the orders of this Tribunal in the OA, and when the respondents have not complied with the orders in the OA, the petitioner filed the instant CP.

5. The respondents vide their affidavits filed in the CP, while not disputing the aforesaid fact of upholding of the orders of this Tribunal in the OA upto the Hon'ble Apex Court, however, submits that the Hon'ble Apex Court in **Kala Singh and Others Vs. Union**

**of India and Others** in SLP (C) No.508/2018 on 08.01.2018 upheld the orders of the Hon'ble High Court of Punjab and Haryana dated 27.04.2016 in CWP No.7714/2016, whereunder, the LARSGESS Scheme itself was declared as illegal and against the Constitution. Accordingly, the Railways issued RBE No.150/2018 dated 26.09.2018 and the operative para of the same reads 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 LARGESS 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 though they had successfully completed the entire process and were found medically fit. All such appointment should be made with the approval of the competent authority”.

6. Heard Shri Yogesh Sharma, the learned counsel for the petitioner and Shri S.M. Arif, the learned counsel for the respondents and perused the pleadings on record.

7. It is not in dispute that the orders of this Tribunal in OA No.987/2016 were upheld upto the Hon'ble Apex Court. Equally, it is not in dispute that the LARSGESS Scheme under which the petitioner sought consideration of his case was declared illegal and unconstitutional by the Hon'ble High Court of Punjab and Haryana on 27.04.2016 itself, i.e., even prior to the date of disposal of the OA No.987/2016 of the applicant, and the same was not interfered by the Hon'ble Apex Court. Further, it is also to be noted that this

Tribunal, following the judgment of the Hon'ble Punjab & Haryana High Court in **Kala Singh and Others** (supra), disposed of a batch of identical OAs, after considering various other decisions of the Hon'ble Apex Court, on the same subject, and one such judgment is dated 15.11.2017 in OA No.3936/2017 and batch in Jai Prakash and Others and batch and the relevant paragraphs of the same read as under:-

“6. It is further to be seen that the SLP (C) No.4482/2017 filed against the decision in Kala Singh & Others (supra) was dismissed by the Hon'ble Apex Court by its Order dated 06.03.2017. Thereafter, the Review Application No. RA-CW-330/2017, dated 14.07.2017 filed by the Railways in Kala Singh & Others (supra) before the Hon'ble High Court of Punjab and Haryana was also dismissed on 14.07.2017. The petitioners failed to show any decision of any High Court or Supreme Court where the validity of LARSGES Scheme was upheld.

7. It is also relevant to note that an identical Scheme like LARSGESS, framed for the benefit of the employees of the Singareni Collieries Company Limited, was declared to be violative of Articles 14 and 16 of the Constitution of India by the Hon'ble High Court of Judicature at Hyderabad for the States of Telangana and Andhra Pradesh, and the said decision was upheld by the Hon'ble Apex Court by its Order dated 17.04.2017 in SLP No.11566/2017 (Telangana Boggu Gani Karmika Sangam v. K. Satish Kumar and Others).

8. In the circumstances and in view of the decision of the Hon'ble Apex Court in Telangana Boggu Gani Karmika Sangham (supra) and for the aforesaid reasons, the instant OAs are dismissed being devoid of any merit. Consequently, interim orders if any granted in any of these batch of OAs are vacated. No costs”.

8. Shri S.M. Arif, the learned counsel appearing for the respondents submits that this Tribunal directed them to consider the application of the petitioner for VRS under LARSGESS Scheme in the second cycle of 2013 and pass necessary orders within a

period of 3 months. But since the LARSGESS Scheme itself was declared unconstitutional by the Hon'ble Punjab and Haryana High Court and as approved by the Hon'ble Apex Court and that the respondent-Railways, in pursuance of the said orders, itself terminated the LARSGESS Scheme, the order of this Tribunal becomes unimplementable. Accordingly, it is submitted that the non-implementation of the orders of this Tribunal is neither wilful nor wanton but for the aforesaid reasons, and hence the CP is liable to be dismissed.

9. We find force in the said submission of the learned counsel for the respondents. Once the LARSGESS Scheme itself, the benefit of consideration under which, was being sought by the petitioner, was declared unconstitutional and the Scheme was terminated, no order can be passed for contempt of the orders of this Tribunal in OA No.987/2016, as the non-implementation of the said orders is neither wilful nor wanton.

10. In the circumstances and for the aforesaid reasons, the CP is closed. Notices are discharged. No costs.

**(ARADHANA JOHRI)**  
**Member (A)**

**(V. AJAY KUMAR)**  
**Member (J)**

RKS