

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

OA NO.135/2019

New Delhi this the 11th day of January, 2019

HON'BLE MS. NITA CHOWDHURY, MEMBER (A)
HON'BLE MR. S.N. TERDAL, MEMBER (J)

Ajeet Kumar, aged about 29 years,
Assistant Loco Pilot, Group-C,
S/o Shri Inder Singh,
R/o House No.86, Gali No.2,
Bhim Nagar, Bye Pass,
Ghaziabad (UP).

...Applicant

(By advocate: Mr. G.P. Srivastava)

VERSUS

1. Union of India through
General Manager,
Northern Railway, Baroda House,
New Delhi.
 2. Divisional Railway Manager,
Delhi Division (Northern Railway),
Estate Entry Road, Pahar Ganj, New Delhi.
 3. The Divisional Personnel Officer,
Northern Railway, Delhi Division,
Estate Entry Road, New Delhi
- ...Respondents

(By Advocate: Mr. Krishna Kant Sharma)

ORDER (Oral)

By Ms. Nita Chowdhury:

This OA has been filed by the applicant seeking the following reliefs:-

- “A. Direct the respondents to send the applicant for medical examination and training and appoint him on the post of Assistant Loco Pilot (ALP) forthwith; and
- B. Any other relief the Hon’ble may deem fit and proper in the facts and circumstances of the case may be granted to the applicant.

2. When the matter is taken up, counsel for the applicant is present and Shri Krishna Kant Sharma, learned standing counsel, appears on advance notice for the respondents.

3. We find that the applicant is seeking appointment under the LARSGEES Scheme, which has now been discontinued by the Railways and in this regard the Railway Board has issued the letter No. E(P&A)I- 2015/RT-43 dated 26.09.2018, terminating the LARSGESS Scheme in view of the directions of Hon’ble High Court of Punjab & Haryana and the orders of Hon’ble Supreme Court in SLP (C) No. 508/2018 dated 08.01.2018. The said order of the Railway Board reads as under:-

“Sub: Termination of the LARSGESS Scheme in view of directions of Hon’ble High Court of

Punjab and Haryana and the orders of Hon'ble Supreme Court of India in SLP (C) No. 508/2018 dated 08.01.2018.

Ref: Board's letter of even number dated 27.10.2017.

The Hon'ble Punjab and Haryana High Court in its judgment dated 27.04.16 in CWP No. 7714 of 2016 had held that the Safety Related Retirement Scheme 2004 (later renamed as the Liberalised Active Retirement Scheme for Guaranteed Employment for Safety Staff (LARSGESS, 2010) "*prima facie does not stand to the test of Articles 14 and 16 of the Constitution of India*" It had directed "*before making any appointment under the offending policy, let its validity and sustainability be revisited keeping in view the principles of equal opportunity and elimination of monopoly in holding public employment.*" Thereafter, in its judgment dated 14.07.17 (Review Petition RA-CW-330-2017 in CWP No. 7714 of 2016), the Hon'ble High Court reiterated its earlier direction and stated "*such a direction was necessitated keeping in view the mandate of the Constitution Bench in State of Karnataka Vs. Uma Devi, (2006) 4 SCC 1.*"

1.1 In the Appeal against the judgment of the Hon'ble High Court of Punjab & Haryana, the Hon'ble Supreme Court of India, while disposing of the SLP (C) No. 508/2018 vide its order dt. 8.01.18, declined to interfere with the directions of the High Court.

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 LARSGESS Scheme before 27.10.17 (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 27.10.17 though they had successfully completed the entire process and were found medically fit. All such appointments should be made with the approval of the competent authority."

4. It is clear from the above that the respondents have terminated the LARSGESS Scheme and as such, at present, the claim of the applicant for appointment cannot be granted.

5. In view of the above facts and circumstance nothing remains to be adjudicated in this matter and the O.A. accordingly dismissed at the admission stage itself. No order as to costs.

(S.N. Terdal)
Member (J)

(Nita Chowdhury)
Member (A)

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