Central Administrative Tribunal
Principal Bench, New Delhi

OA 652/2016
MA 633/2016
MA 634/2016

New Delhi, this the 16th day of January, 2019

Hon'ble Ms. Nita Chowdhury, Member (A)
Hon'ble Mr. S.N. Terdal, Member(J)

1. Gaurav Singh (Aged about 23 years)
S/o Sh. Dhirig Raj
R/o H.No. 280-A, Railway Colony
Arya Nagar, Ghaziabad (UP)
Unemployed

2. Dhirig Raj (Aged about 59 years)
S/o Sh. Nankar Singh
Working as Senior Pointsman
Under S.S. Ghaziabad
R/o H.No. 280-A, Railway Colony
Arya Nagar, Ghaziabad (UP)

3. Suneel Dutt (Aged about 29 years)
S/o Sh. Manmohan
R/o H. No. 3/127, Gali No. 2
Sankar Garden, Railway Line Paar
Near Parasar Medical Store
Bahadurgarh.
Unemployed

4. Manmohan (Aged about 59 years)
S/o Sh. Ram Swaoop
Senior Pointsman
Under S.S. DSJ
R/o H. No. 3/127, Gali No. 2
Sankar Garden, Railway Line Paar
Near Parasar Medical Store
Bahadurgarh.
Unemployed

...Applicants

(None)

Versus

Union of India Through

1. The General Manager
Northern Railway
Baroda House, New Delhi.

2. The Divisional Railway Manager
Delhi Division, Northern Railway
State Entry Road, New Delhi.

3. The Divisional Personnel Officer (Admn.)
DRM Office, New Delhi.

...Respondents

(By Advocate : Sh. Shailendra Tiwary)

ORDER (ORAL)

Ms. Nita Chowdhury:

MA No. 633/2016 for joining together is allowed for the reasons stated therein.

2. Nobody has come from the applicant's side. Counsel for the respondents appeared and informed that this is a case of LARSGESS Scheme which has been discontinued since 2017 by the Railway Board's letter No.E (P&A)I-2015/RT-43 dated 26.09.2018. Hence, the pleas made in this OA stand infructuous.

3. Since the counsel for the applicant is not present today, we proceed with the matter under Rule 15 of the CAT (Procedure) Rules, 1987. We have also examined the OA in which the reliefs sought for extension of benefits under LARSGESS Scheme are reproduced hereunder:-

> "(a) to direct the respondents to grant second chance of written test and further direct the respondents to release their appointment;

(b) to pass any order/orders as this Hon'ble Tribunal may deem it fit and proper;

(c) Pass such other and/or further orders as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case."

4. In a similar case, i.e. OA No. 960/2016 (**Pala Ram v. Union of India &Ors.**), it is found that the Railway Board, vide its letter No.E(P&A)I-2015/RT-43 dated 26.09.2018, has terminated the LARSGESS Scheme in view of directions of Hon'ble High Court of Punjab and 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."

5. Quite clearly, the scheme of LARSGESS has now been terminated w.e.f. 27.10.2017. Hence, at this stage, applicants cannot be given any benefits under LARSGES Scheme as the said Scheme is not in existence.

6. In view of the above facts and circumstances, nothing remains to be adjudicated in this matter and the OA is accordingly dismissed as having become infructuous. MA for exemption also stands disposed of. No order as to costs.

(S.N. Terdal)
Member (J)

(Nita Chowdhury)
Member (A)

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