

**Central Administrative Tribunal  
Principal Bench**

**OA- 3783/2016**

New Delhi, this the 18<sup>th</sup> day of January, 2019

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

1. Hari Govind, aged 57 years,  
s/o Sh. Ram Surat,  
working as AC Khallai,  
at NR Station, Hazarat Nizamuddin,  
New Delhi  
r/o H.No.DB-962/1, Ward No.2,  
Kailash Nagar, Palwal (Haryana)
2. Ajay Kumar, aged 33 years,  
s/o Sh. Hari Govind,  
r/o H.No.DB-962/1, Ward No.2,  
Kailash Nagar, Palwal (Haryana) - Applicants

(By Advocate: Mr. Yogesh Sharma)

Versus

1. Union of India through  
the General Manager,  
Northern Railway, Baroda House,  
New Delhi
2. The Divisional Railway Manager,  
Northern Railway, Delhi Division,  
State Entry Road, New Delhi
3. The Divisional Railway Officer,  
Divisional Railway Manager' Office,  
Northern Railway, Delhi Division,  
State Entry Road, New Delhi
4. The Assistant Divisional Engineer,  
Northern Railway Station,  
Hazrat Nizzamuddin, New Delhi - Respondents

(By Advocate : Mr. MR Junaidhi for Mr. SM Arif )

## **ORDER (ORAL)**

### **Ms. Nita Chowdhury, Member (A):**

This Original Application (OA) has been filed by the applicant seeking the following reliefs:-

- “(i) That the Hon’ble Tribunal may graciously be pleased to pass an order of quashing the impugned order dated 9.6.2015 (Annex. A/1) declaring to the effect that the whole action of the respondents rejecting the request of the applicant for his Vol. retirement under Liberalized Active Retirement Scheme for Guaranteed Employee for Safety Staff is totally illegal, arbitrary, against the scheme and discriminatory and consequently, pass an order directing the respondents to consider and to accept the request of the applicant No.1 for extending the benefit of Liberalized Active Retirement Scheme for Guaranteed Employee for Safety Staff as done in the case of similarly situated person with all the consequential benefits including the appointment of applicant No.2.
- (ii) Any other relief which the Hon’ble Tribunal deem fit and proper may also be granted to the applicants along with the costs of litigation.”

2. When the matter is taken up for hearing, counsel for the respondents draws our attention to the fact that the applicant no.1 is seeking employment for his ward, i.e. applicant no.2 under the LARGES Scheme, which has now been discontinued by the Railways and in this regard the Railway Board has already 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. The applicant does not controvert the contentions of the respondents.

5. It is clear from the above that the respondents have terminated the LARSGESS Scheme w.e.f. 27.10.2017 and as such, the claim of the applicant cannot be granted.

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

**(S.N. Terdal)**  
**Member (J)**

**(Nita Chowdhury)**  
**Member (A)**

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