

Central Administrative Tribunal Principal Bench

OA No. 2057/2017
MA No. 2237/2017

New Delhi, this the 21st day of January, 2019

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

Sh. Janak Rohit (Aged 57 yrs.)
S/o Sh. Baukoo Rohit,
Working as Helper Khalasi (Group 'C')
Under the Senior Section Engineer,
CHG/DEE, Sarai Rohilla, Delhi - Applicant

(By Advocate: Mr. Rohit Bhagat for Mr. RK Shukla)

Versus

1. Union of India through the General Manager, Northern Railway, Baroda House, New Delhi
2. The Divisional Railway Manager, North Central Railway, Delhi Division, State Entry Road, Paharganj, New Delhi
3. The Sr. Divisional Personnel Officer, Northern Railway, Delhi Division, State Entry Road, Paharganj, New Delhi
4. The Assistant Personnel Officer, Northern Railway,

Delhi Division, State Entry Road,
Paharganj, New Delhi

- Respondents

(By Advocate : Ms. Ekta Rani for Mr. Kripa Shankar Prasad)

ORDER (ORAL)

Ms. Nita Chowdhury, Member (A):

The main counsel for the applicant has not 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.

2. Since the main 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 quash and set aside the impugned order dated 10.06.2015 directing the respondents to consider the claim of the applicant for advancing the benefits of LARSGESS Scheme in accordance with law.
- (b) To direct the respondents to consider the claim of the applicant for granting the benefits of LARSGESS Scheme particularly to provide appointment to his son for the post applied by him.
- (c) Allow the O.A. with all consequential benefits.

(d) Any other relief which this Hon'ble Tribunal deem fit and proper may also be passed in the facts and circumstances of the case”

3. 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.”

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

5. 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. No order as to costs.

(S.N. Terdal)
Member (J)

(Nita Chowdhury)
Member (A)

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