

**Central Administrative Tribunal
Principal Bench**

OA- 2702/2014

New Delhi, this the 11th day of January, 2019

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

Kartar Chand, Aged – 55 years
S/o Late Sh. Jagat Ram
Working as Diesel Helper Cleaner
Diesel Shed, Northern Railway
Shakurbasti
R/o Railway Quarter No. Block No. 343/1
Delhi – 110034.

....Applicant

(By Advocate :Sh.. Yogesh Sharma)

Versus

1. Union of India through General Manager
Northern Railway, Baroda House,
New Delhi.
2. The Divisional Railway Manager
Northern Railway, Delhi Division
State Entry Road, New Delhi.

....Respondents

(By Advocate : Sh. S.M. Arif)

ORDER (ORAL)

Ms. Nita Chowdhury, Member (A):

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

- “(i) That the Hon'ble Tribunal may graciously be pleased to pass an order directing the respondents to issue an appropriate order of voluntary retirement of applicant and appointment order of ward of the applicant

under LARSGESS Scheme immediately with all consequential benefits from due date.

- (ii) That the Hon'ble Tribunal may further graciously be pleased to pass an order declaring to the effect that the whole action of the respondents not finalizing the request of the applicant for his voluntary retirement and appointment of his son under liberalized active retirement scheme for guaranteed employment of safety staff is totally illegal, arbitrary and discriminatory.
- (iii) Any other relief which the Hon'ble Tribunal deem fit and proper may also be granted to the applicant."

2. When the matter is taken up for hearing, Counsel for the respondents points out that, no right to claim the benefit of the LARSGESS scheme can be given to the applicant in view of the Railway Board No.E(P&A)I-2015/RT-43 dated 26.09.2018 whereby the LARSGESS has been discontinued in the light of the 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.”

3. When the matter is taken up for hearing, Counsel for the respondents draws our attention to the fact that this O.A. has been filed seeking extension of benefit 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:-

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4. It is clear from the above that the respondents have terminated the LARSGESS Scheme. As such, the claim of the applicant for employment cannot be granted under the LARSGESS Scheme which is no more in existence. .

5. 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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