

**Central Administrative Tribunal  
Principal Bench**

**OA- 270/2017  
MA-656/2018  
MA-281/2017**

New Delhi, this the 25<sup>th</sup> day of January, 2019

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

1. Kishori Lal Saini, Group –D  
Aged 60 years  
S/o Shri Knahiya Lal Saini
2. Roshan Lal Saini  
Aged 32 years  
S/o Shri Kishori Lal Saini  
R/o Maligo Ki Dhani  
Leekhukuti, Mariyada  
Dausa Rajesthan  
Both are R/o CPWD, AE-1, S.C. Project  
Division Campus Bhagwan Das Road,  
New Delhi. ....Applicants

(By Advocate : Ms. Neelima Rathore for Mr. U. Srivastava)

Versus

1. Union of India through the Secretary,  
Railway Board  
Raisina Road, Rail Bhawan, New Delhi.
2. The General Manager, Northern Central Railway  
Subedar Ganj, Allahabad (UP).
3. The Divisional Railway Manager,  
Northern Central Railway, Agra.

4. The Divisional Personnel Officer  
North Central Railway, Agra, UP. ...Respondents

(By Advocate : Mr. Shailender Tiwari)

## **ORDER (ORAL)**

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

MA No. 281/2017 for joining together is allowed for the reasons stated therein.

2. When the matter is taken up today, both the counsel for the parties are present.

3. At the outset, counsel for the respondents 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.

4. Counsel for the applicants has not controverted the contentions of the respondents.

5. We have also examined the OA in which the reliefs sought for extension of benefits under LARSGESS Scheme are reproduced hereunder:-

“(a) Directing the respondents to place the relevant records pertaining to the present O.A. before their Lordships for the proper adjudication in the matter, in the interest of justice.

(b) Quash and setting aside the impugned order dt.14.10.16 (Annexure A/1) issued by the respondent No.3 rejecting the claim of the applicant No.2 for appointment whereas the

applicant is entitled for appointment under the provisions stipulated under safety related retirement scheme (LARSGESS) Scheme and thereafter;

- (c) Directing the respondents to consider and finalize the case of the applicants pending in the shape of representation (Annexure A/9) in terms of the provisions stipulated under Liberalized Active Retirement Scheme for Guaranteed Employment for Safety Staff keeping in view services from 02.05.74 including the services rendered under Territorial Army for computing the qualifying service and make the appointment accordingly with all other consequently benefits and cost.
- (d) Any other fit and proper relief may also be granted to the applicants.”

6. 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.”

7. 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.

8. 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 656/2018 for deletion of respondent no.1 also stands dismissed. No order as to costs.

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

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

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