

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

OA No.1266/2015

MA No. 2331/2016

New Delhi this the 18th day of December, 2018

Hon'ble Ms. Nita Chowdhury, Member (A)

Hon'ble Mr. S.N. Terdal, Member (J)

Mohd. Sami, Age 58 years,
S/o late Sh. Babu Khan
Working as Trackman/Gangman,
Under CPWI Agra Cantt,
North Central Raiwlay,
R/o Vill. Rasulpur Sarai Khwaja,
Agra Cantt.

- Applicant

(None)

VERSUS

Union of India: through

1. Secretary, Railway Board,
Ministry of Railways,
Rail Bhawan, New Delhi

General Manager
North Central Railway,
Allahabad,

3. Divisional Railway Manager,
North Central Railway, Agra Cantt.

4. Sr. Section Engineer,
North Central Railway,
Agra Cantt.

- Respondents

(By Advocate: Mr. A.K. Srivastava)

ORDER (Oral)

Ms. Nita Chowdhury:

The applicants have filed this Original Application (OA) claiming the following reliefs:-

- “8.1 That this Hon'ble Tribunal may graciously be pleased to allow this application and direct the respondents to produce relevant records and finalize the case of the applicant as per the schemes issued by the Railway Board in 2010, 2011 as well as 2012, copies of which have been annexed.

8.2 Pass any other or further order which this Hon'ble Tribunal may deem fit and proper in the circumstances of the case.

8.3 That the cost of the proceedings may kindly be granted in favour of the applicant and against the Respondents."

2. When the matter is taken up for hearing, the counsel for the applicant is not present. Hence, we proceed with the matter under Rule 15 of the CAT (Procedure) Rules, 1987. Counsel for the respondent is present.

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. From the facts of this case, it is clear that the respondents had not granted the request of the applicant to be considered for voluntary retirement and that as per Para 2 of the aforesaid Railway Board's letter, the scheme of LARSGESS has now been terminated w.e.f. 27.10.2017.

5. In view of the above facts and circumstances, nothing remains to be adjudicated in this matter and the OA is accordingly dismissed.

6. There is no order required to be passed in MA No. 2331/2016 praying for deletion of respondent no.1. No order as to costs.

(S.N. Terdal)
Member (J)

(Nita Chowdhury)
Member (A)

/lg/