

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

OA No.891/2018

New Delhi this the 9th day of January, 2019

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

Sh. Richpal , Age -59 years, Group-C
S/o Sh. Ram Singh
Working as Trackman
Under Dy. Chief Engineer (Const.)
Northern Railway, Chandigarh. - Applicant

(By Advocate: Mr. R.K. Shukla)

Versus

1. Union of India
Through General Manager,
Northern Railway Headquarter
Baroda House, New Delhi.
2. The Divisional Railway Manager
Northern Railway, Delhi Division
State Entry Road, Paharganj,
New Delhi.
3. The Chief Admn. Officer (Const.)
Northern Railway, Kashmere Gate
Delhi Division, State Entry Road,
Paharganj, New Delhi.
4. The Asstt. Divl. Engineer (Const.)
Chandigarh - Respondents

(By Advocates: Mr. PK Singh and Mr. A.K. Srivastava)

O R D E R (Oral)

Ms. Nita Chowdhury:

The applicant has filed this Original Application (OA) claiming the following reliefs:-

- “(a) To quash and set aside the order dated 20.11.2017 directing the respondents to examine the case of the applicant in terms of letter dated 11th June, 2015 received on 03.07.2015 by the Divisional Office, Northern Railway, Delhi Division and offer of appointment may be ordered to be issued in the name of Sh. Arvind Singh i.e. son of the present applicant treating at par with batchmate who were given appointment in the year 2015.
- (b) To allow the original application of the applicant along with all consequential benefits.
- (c) Any other relief which this Hon’ble Tribunal deem fit and proper may also be passed in the facts and circumstances of the case in favour of the applicant.”

2. When the matter is taken up for hearing, both the counsel for the parties are 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. No order as to costs.

(S.N. Terdal)
Member (J)

(Nita Chowdhury)
Member (A)

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