

**Central Administrative Tribunal
Principal Bench**

**OA- 3280/2015
MA- 2905/2015**

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

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

ShriSombir
S/o ShriMalkhan, Age 33 years
Candidate for the Group 'D' post
R/o C/o Sharwan Kumar, 2529
GaliPipalVali, Chudiwalan, Delhi.

....Applicant

(None)

Versus

Union of India& Others

1. TheGeneral Manager
Northern Railway, Baroda House,
New Delhi.
2. The Divisional Railway Manager
Northern Railway, AmbalaCantt
Ambala (Haryana).

....Respondents

(By Advocate : Sh.Krishna Kant Sharma)

ORDER (ORAL)

Ms. Nita Chowdhury, Member (A):

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

- “8.1 That this Hon'ble Tribunal may graciously be pleased to allow this Original application and set-aside the impugned order dt. 3.6.2015 along with letter dated 22.6.2015 and direct the respondents to appoint applicant under LARSGESS Scheme with all consequential benefits.
- 8.2 That this Hon'ble Tribunal may graciously be pleased to direct the respondents to consider the case of the applicant for extending the benefit of Liberalized Active Retirement Scheme for Guaranteed Employee for

Safety Staff (LARSGESS) with all consequential benefits.

- 8.3 That this Hon'ble Tribunal may graciously be pleased to direct the respondents to consider the case of the applicant for extending the benefit of Liberalized Active Retirement Scheme for Guaranteed Employee for Safety Staff (LARSGESS) with all consequential benefits.
- 8.4 That this Hon'ble Tribunal may graciously be pleased to direct the respondents to produce all relevant records before this Hon'ble Tribunal in the interest of justice.
- 8.5 That any other or further relief which this Hon'ble Tribunal may deem fit and proper under the circumstances of the case may also be granted in favour of the applicant.
- 8.6 That the cost of the proceedings may also be awarded in favour to the applicants."

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

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:-

"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. It is clear from the above that the respondents have terminated the LARSGESS Scheme w.e.f. 27.10.2017. As such, the claim of the applicant for appointment cannot be granted, as the said scheme is not 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.

6. In view of the above there is not order required to be passed in M.A. 2905/2015, the same is disposed of also.

No order as to costs.

(S.N. Terdal)
Member (J)

(Nita Chowdhury)
Member (A)

/lg/