

**Central Administrative Tribunal
Principal Bench**

OA- 1594/2016

MA- 644/2017

MA- 1574/2016

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

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

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

1. UdgarYadav, Helper Khalasi
Aged about 58 years
S/o ShriBudhu
R/o H. No. 565, BabrMandi
Panipat (Haryana).
2. Rahul Yadav (Son of Applicant No. 1)
Aged about 27 years
S/o Sh. UdgarYadav
R/o H. No. 565, BabrMandi
Panipat (Haryana).

....Applicants

(None)

Versus

1. Union of India
Through its Secretary
Railway Board
Ministry of Railways
Rail Bhawan, New Delhi.
2. The General Manager
Northern Railway, Baroda House,
New Delhi.
3. The Divisional Railway Manager
Northern Railways, State Entry Road
New Delhi.
4. The Senior Section Engineer (PSI)
Northern Railways
Kurukshetra (Haryana).

....Respondents

(None)

ORDER (ORAL)

Ms. Nita Chowdhury, Member (A):

M.A. 1574/2016 for joining together is allowed for the reasons stated therein.

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

- “(a) To direct the respondents to consider the applicants claim for appointment of applicant no. 2 under LARSGESS Scheme.
- (b) To direct the respondents to issue offer of appointment to the applicant no. 2 under ‘LARSGESS’ Scheme as per select list issued by Respondent No. 3 on 21.07.2015 with all consequential benefits.
- (c) To declare the action of respondents is not considering the claim of applicants for appointment against group ‘D’ post under ‘LARSGESS’ Scheme as illegal and unjustified and issue appropriate directions for considering the claim of applicants for appointment under aforesaid scheme with all consequential benefits.
- (d) To allow the O.A. with costs.
- (e) Pass such other direction of directions order or orders as this Hon’ble Tribunal may deem fit and proper to meet the ends of justice.”

3. When the matter is taken up for hearing, the counsel for both the parties are not present. Hence we proceeded

the matter under Rule 15 & 16 of CAT (Procedure) Rules, 1987.

4. 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.”

5. Quite clearly, the scheme of LARSGESS has now been terminated w.e.f. 27.10.2017. Hence, at this stage, applicant no.2 cannot be given appointment under LARSGES Scheme as the said Scheme is not in existence.

6. In view of the above facts and circumstances, nothing remains to be adjudicated in this matter and the OA is accordingly dismissed. M.A. 644/2017 is stands disposed of. No order as to costs.

(S.N. Terdal)
Member (J)

(Nita Chowdhury)
Member (A)

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