

Open Court

**CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD.**

Dated: This the 09th day of July 2019

Original Application No. 330/00673 of 2019

Hon'ble Mr. Justice Bharat Bhushan, Member – J
Hon'ble Ms. Ajanta Dayalan, Member – A

1. Arjun Prasad, S/o Late Sri Ram Charan, Presently posted as Leverman / Cabinman, under Station Superintendent, Sewait, Northern Railway, Allahabad.
2. Man Singh, S/o Sri Arjun Prasad, R/o Village and Post – Dhamapur, Sorawan, District Allahabad.

.....Applicants

By Adv: Shri D. Tiwari

V E R S U S

1. Union of India through General Manager, Northern Railway, Baroda House, New Delhi.
2. Divisional Railway Manager, Northern Railway, Lucknow.
3. Station Superintendent, Northern Railway, Sewait, Allahabad.

.....Respondents

By Adv : Shri G.K. Tripathi

O R D E R

By Hon'ble Mr. Justice Bharat Bhushan, Member- J

Heard Shri D. Tiwari, learned counsel for the applicants and Shri G.K. Tripathi, learned counsel for the respondents.

2. The applicants have filed this OA seeking benefit under Liberalized Active Retirement Scheme for Guaranteed Employment for Safety Staff (in short LARSGESS). The applicants have stated that Arjun Prasad (Applicant No. 1), while working on the post of Leverman / Cabinman in the pay scale of Rs. 15200 – 20200 Grade Pay Rs. 1900/- had moved an application under Voluntary Retirement Scheme (VRS) and for appointment of his son Man Singh (Applicant No. 2) under LARSGESS Scheme. The said application was received in the office of respondents on 25.01.2019. Copy of the said application is available as Annexure No. A-1 to the OA.

3. The case of the applicants was not considered under LARSGESS Scheme. The applicants made several representations and the last

representation was made on 15.11.2018, copy of which is available as Annexure No. A-6 to the OA, but no action was taken by the respondents. Learned counsel for the applicants states that the grievance of the applicants would be redressed if a direction is given to the competent authority to consider the claim of the applicant in accordance with the Railway Board order dated 26.09.2018 (R.B.E. No. 150/2018) as well as Circular dated 28.09.2018 (RBE No. 15/2018).

4. Main relief in the OA is to allow voluntary retirement of applicant No. 1 and to appoint applicant No. 2 in place of his father under the Liberalized Active Retirement Scheme for Guaranteed Employment for Safety Staff (in short LARSGESS).

5. The issue of LARSGESS Scheme was examined by Hon'ble Punjab and Haryana High Court in CWP No. 7714/2016 arising out of the order passed by Chandigarh Bench of this Tribunal in the case of Kala Singh and others vs. Union of India and others in OA No. 060/656/2014. While disposing of the CWP No. 7714/2016, Hon'ble High Court vide the judgment dated 27.04.2016 held that the LARSGESS Scheme does not stand the test of the Article 14 and 16 of the Constitution of India and the Railway Board was directed to re-consider the said Scheme. The Review petition filed by the respondents was also dismissed by Hon'ble High Court vide order dated 14.07.2017. Subsequently the Railway Board challenged the order of Hon'ble High Court before Hon'ble Supreme Court in the SLP (C) No. 508/2018 and vide order dated 8.1.2018, Hon'ble Supreme Court declined to interfere with the order of Hon'ble High Court.

6. Thereafter, the Railway Board has reviewed the LARSGESS Scheme as per the direction of Hon'ble Punjab and Haryana High Court and vide its order dated 26.09.2018 (R.B.E. No. 150/2018) has decided as under:-

"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. Subsequently, another Circular dated 28.09.2018 (RBE No. 15/2018)

was issued. The contents of Circular are reproduced as below: -

"In supersession to Railway Board's letter No. E(P&A)1-2015/RT-43 dated 26.09.2018, it is stated that while the LARSGESS Scheme continues to be on hold with effect from 27.10.2017 on account of various cases, to impart natural justice to the staff who have already retired under LARSGESS scheme before 27.10.2017 (but not naturally superannuated) and appointment of whose wards was not made due to various formalities, appointment of such of the wards/candidates can be made with the approval of the competent authority."

8. Thus the LARSGESS Scheme has been terminated with effect from 27.10.2017 and only the cases where the employees have already retired under LARSGESS before 27.10.2017 but who are not normally superannuated and whose case could not be considered because of the order of the Railway Board to put the Scheme on hold can be considered under the Scheme.

9. In view of the circumstances as discussed above, this OA is finally disposed of by remitting the matter to the competent authority among the respondents to consider the case of the applicants in the light of the Railway Board order dated 26.09.2018 (R.B.E. No. 150/2018) as well as Circular dated 28.09.2018 (RBE No. 15/2018) and to pass an appropriate speaking order under intimation to the applicants within four months from the date of receipt of a copy of this order.

10. It is made clear that we have not expressed any opinion about the merit of the case while passing this order.

11. There will be no order as to costs.

(Ajanta Dayalan)
Member – A

/pc/

(Justice Bharat Bhushan)
Member – J