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**CENTRAL ADMINISTRATIVE TRIBUNAL, CALCUTTA BENCH
KOLKATA**

O.A.No.350/01508/2015

Date of Order : 24-09-2015

Present : **Hon'ble Mr Justice G. Rajasuria, Judicial Member**
Hon'ble Ms Jaya Das Gupta, Administrative Member

ABDUS SHAHID & ANR.

.....Applicants

-Versus-

E. RAILWAY

.....Respondents

For the applicants : Mr A. Chakraborty, Counsel
Ms. P. Mandal, Counsel
For the respondents : Mr M.K. Bandyopadhyay, Counsel

ORDER (ORAL)

JUSTICE G. RAJASURIA, JM,

Heard both. This O.A has been filed seeking the following reliefs :

"8.(a) An order do issue directing the respondents to grant an appointment in favour of the applicant No.2 under the "Liberalized Active Retirement Scheme for Guaranteed Employment for Safety Staff" after allowing him to appear in the medical test.

(b) An order do issue directing the respondent authorities to allow the applicant No.1 to retire from his post with all benefits admissible under Rule pursuant to his application made under "Liberalized Active Retirement Scheme for Guaranteed Employment for Safety Staff".

(c) Pass such further order/ orders and/ or direction/ directions as your Lordships may deem and proper.

(d) Leave may be granted to file this original application jointly under Rule 4(5)(a) of this CAT Procedure Rule 1987."

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This ~~batch of cases~~ is pertaining to Largess Scheme. It would not be out of place to mention here that the Full Bench decided the constitutional validity of the Largess Scheme vide order dated 07.08.2015 in O.A.1540 of 2013 of C.A.T, Calcutta Bench and it is for the Railways to implement the same in individual cases by taking into consideration the merits of those cases.

2. The Id. counsel for the Railways would put forth the point to the effect that the Hon'ble Delhi High Court is seized of the matter in a writ petition filed by the Railways challenging the order of the Division Bench of C.A.T. in striking down the Largess Scheme. However, there is no stay and according to him if at a later date, the Hon'ble High Court or the Hon'ble Apex Court declares the said Largess Scheme as unconstitutional then the Railways would be in doldrums, for which the Id. counsel for the applicants would submit that subject to the ultimate decision that might emerge in the Hon'ble High Court or the Hon'ble Supreme Court, appointments could be given

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subject to the merit of the individual applicants involved in these matters. The Id. counsel for the applicants would also submit that the Railways have been granting appointments under the Largess Scheme for which the Id. counsel for the Railways would submit that he has no instruction in this regard.

4. Be that as it may, we are not concerned with the allegations made by the applicants against the Railways. One fact is clear that the Full Bench of C.A.T. declared the constitutional validity of the Largess Scheme and accordingly the C.A.T. would direct the Railway authority to consider the individual merit of the applicants and scrutinize the same and proceed further with the matter subject to the decision, if any that might emerge from the Hon'ble High court or the Hon'ble Supreme Court in this regard. The case of the applicants be considered within a time frame of two months from the date of receipt of a copy of this order.

The O.A.s are disposed of. No cost."

2. Learned counsel for the applicant would submit that even though the applicants passed the written test under the Largess Scheme, they have not been called for medical test.

3. Learned counsel for the respondents would submit that already the applicants submitted representation and hence a suitable direction may be given to the respondents to consider the same on merit as per Largess Scheme.

4. Accordingly direction is issued to the respondent authority to consider the request of the applicant and pass a speaking order in the matter within a period of 2 months from the date of receipt of a copy of this order.

We have not gone into merits of the case.
O.A is disposed of. No costs.

(JAYA DAS GUPTA)
ADMINISTRATIVE MEMBER

(G. RAJASURIA)
JUDICIAL MEMBER