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## CENTRAL ADMINISTRATIVE TRIBUNAL CALCUTTA BENCH

No.O.A.350/01406/2015

Date of order : 24.09.2015

GOPAL SAH & ANOTHER

-V E R S U S-

UNION OF INDIA & OTHERS

For the applicant : Mr. A. Chakraborty, counsel  
Ms. P. Mondal, counsel

For the respondents : Mr. M.K. Bandyopadhyay, counsel

### ORDER

Per Justice G. Rajasuria, J.M.

This case 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 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. is disposed of. No cost.

(JAYA DAS GUPTA)  
Administrative Member

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(G. RAJASURIA)  
Judicial Member