



CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

No. OA 350/01556/2014

Present: Hon'ble Ms. Bidisha Banerjee, Judicial Member
Hon'ble Mr. K.N.Srivastava, Administrative Member

TASLEEM RAJA & ANR.

VS

UNION OF INDIA & ORS.

For the applicants : Mr. M. Mondal, counsel

For the respondents : Mr. A. K. Dutta, counsel

Order on : 7.4.16

O R D E R

Ms. Bidisha Banerjee, J.M.

Heard the ld. Counsels for the parties.

2. In his penchant for providing an employment in favour of his son under LARSGESS scheme the employee Mehendi Raja sought for voluntary retirement with a corresponding guarantee for employment ⁱⁿ favour of his son Tasleem Raja, the present applicant. The applicant would be aggrieved as the application of his father met with rejection on the ground that the employee had less qualifying service, as communicated vide Annexure A/2 to the OA.

3. Ld. Counsel for the applicant would submit that after the rejection Mehendi Raja preferred an appeal before the DRM seeking re-submission of application form for the on-going LARSGESS, July 2013 and ld. Counsel would be satisfied if such appeal is directed to be considered in a time bound manner. Such consideration is sought for on the basis of para 4 of RBE 98/06 which would lay down the following (extracted with supplied emphasis for clarity) :

"The issue has accordingly been examined by the Board and it has been decided that the candidates who fail to qualify the written examination may be given one more chance to qualify the suitability test, wherever such requests are received, subject to the condition that both Railway servant and his/her ward availing the benefit available under the Scheme continue to fulfil the eligibility conditions as on the date of the exam or 30th of June of the respective year, whichever is earlier. Thus, the ward of the applicant could be given second chance only if the applicant

and his / her ward continued to fulfil the eligibility conditions as on the date of exam or 30th June of the respective year whichever is earlier."

4. In our considered opinion since the rejection was not on the ground of merit of the son the applicant could not have asked for benefit of RBE 98/06.

5. The respondents in their reply have indicated that in terms of the notification dated 5.7.11 the age limit and qualifying service of eligible safety category staff with a Grade Pay of Rs.1900/- were as under :

i) As on cut off date (1.7.11) - age limit 55 to 57 years

ii) As on cut off date (1.7.11) - 33 years qualifying service

As on the cut off date of 1.7.11 the applicant had less than 33 years of qualifying service but he was within the age limit of 55 to 57 years. However, when the next notification was floated has not been indicated in the representation.

6. The applicant also failed to demonstrate that in terms of the subsequent notification he would be eligible for consideration.

7. Therefore the application being devoid of any merit is dismissed. The dismissal of this OA will however, not prevent the applicant from seeking consideration under LARSGESS if he is otherwise eligible in terms of the conditions stipulated in the subsequent notification.

8. No order is passed as to costs.

(K.N.SRIVASTAVA)
MEMBER (A)

(BIDISHA BANERJEE)
MEMBER (J)

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