

CENTRAL ADMINISTRATIVE TRIBUNAL
PATNA BENCH, PATNA
OA/050/00704/17

Date of Order: 11.09.2019

C O R A M
HON'BLE MR. JAYESH V. BHAIRAVIA, JUDICIAL MEMBER
HON'BLE MR. DINESH SHARMA, ADMINISTRATIVE MEMBER

Tulsi Das, Son of Late Subai Das, Resident of Village- Basadhiya P.O.- Basadhiya,
PS- Dalsingsarai, District- Samastipur, Pin- 848114.

.... Applicant.

By Advocate: - Mr. G. Saha

-Versus-

1. The Union of India through the Secretary, Railway Board, Rail Bhawan, New Delhi- 110001.
2. General manager, East Central Railway, Hajipur, Vaishali- 84440.
3. Chief Personnel Officer, East Central Railway, Hajipur, Vaishali- 84440.
4. Divisional Railway Manager, Danapur Division, East Central Railway, Danapur, Khagaul- 801105.
5. Senior Divisional Personnel Officer, Danapur Division, East Central Railway, Danapur- 801105.
6. Assistant Personnel Officer- I, Danapur Division, East Central Railway, Danapur, Khagaul- 801105.
7. Chief Welfare Inspector, Danapur Division, East Central Railway, Danapur, Khagaul- 801105.
8. Senior Section Engineer (P-Way), East Central Railway, Danapur, Khagaul- 801105.

.... Respondents.

By Advocate: - Mr. Ram Kinker Choubey

O R D E R
[ORAL]

Per Dinesh Sharma, A.M:- In the instant OA, the applicant has requested for quashing the order dated 24.08.2017 by which his request for appointment under LARSGESS was rejected. He has also requested that such rejection on ground of his caste not being part of Scheduled Caste under the relevant notification by the Central Government (and is only relevant for schemes under Bihar Government) is not correct.

2. A written statement has been filed by the respondents in which the respondents have alleged that they found some discrepancy in the caste certificate produced by the applicant. They also found that in the unreserved category the age of the candidate had crossed the upper age limit in that category. The applicant was informed about these facts telling him why his request for Voluntary Retirement and appointment of his ward under LARSGESS cannot be considered.

3. No rejoinder has been filed by the applicant.

4. We have gone through the pleadings and heard the arguments of the learned counsels for the parties. The LARSGESS scheme has already been found to be not as per the constitution by the decision of Hon'ble Punjab and Haryana High Court dated 27.04.2016 in CWP No. 7714/2016 which has been later confirmed by the Hon'ble Apex Court vide its order dated 08.01.2018 in SLP(C) No. 508 of 2018. Since the Hon'ble High Court and Apex Court have found this scheme unconstitutional, the Railway Department is for the time being only considering those cases in which a person voluntarily retired under the scheme before attaining the age of superannuation before the cut- off date 27.10.2017 (RBE 150/2018) and where the dependent could not be given an employment before that date. Since in this case none of these two conditions applied the relief as claimed by the applicant cannot be granted. The OA is, therefore, dismissed. No costs.

[Dinesh Sharma]
Administrative Member
Srk.

[Jayesh V. Bhairavia]
Judicial Member