

CENTRAL ADMINISTRATIVE TRIBUNAL
PATNA BENCH, PATNA
OA/050/00845/2016

Date of Order: 29.08.2019

CORAM

HON'BLE MR. JAYESH V. BHAIKAVIA, JUDICIAL MEMBER
HON'BLE MR. DINESH SHARMA, ADMINISTRATIVE MEMBER

Motichand, S/o Lt. Badri Narayan, resident of Village- Barharwa Tola, P.O.-
Dawan, P.S.- Jagdishpur, Dist.- Bhojpur (Ara).

..... Applicant.

- By Advocate: None present.

-Versus-

1. The Union of India through the General Manager, E.C. Railway, Hazipur.
2. The Chief Personnel Officer, EC Railway, Hazipur.
3. The Divisional Railway Manager, EC Railway, Danapur.
4. The Senior Divisional Personnel Officer, EC Railway, Danapur.
5. The Asst. Personnel Officer, EC Railway, Danapur.
6. The Asst. Personnel Officer-III, EC Railway, Danapur.
7. The Senior Divisional Engineer, EC Railway, Danapur.
8. The CMD, Hazipur, EC Railway.
9. The Chief Medical Superintendent, EC Railway, Danapur.

..... Respondents.

- By Advocate: Dr. Shiv Kumar

ORDER
[ORAL]

Per Dinesh Sharma, A.M.: - In this OA the applicant has prayed for remanding the matter to the respondents to consider it afresh as per relevant Railway Board circular and to further direct them to allow the applicant to retire and appoint his son on compassionate ground as per their scheme of LARSGESS.

2. The respondents have denied the claim of the applicant and stated that in view of the medical unfitness for the job against LARSGESS-II/2013 the process for retirement of Shri Moti Chand (applicant) and his son has been cancelled.

3. The case came up for hearing on 29.08.2019. The scheme of LARSGESS has already found to be unconstitutional by Hon'ble Punjab and Haryana High Court and the Hon'ble Apex Court has upheld that decision. The Railway Board is, at the present stage, considering only those applications where a person was allowed to voluntarily retire under the scheme but his ward could not be given appointment due to directions of the courts for discontinuance/revisiting of the scheme. Since this case does not fall in any of those categories and since the scheme has itself been found to be unconstitutional, the OA is dismissed.

[Dinesh Sharma]/M[A]

[J.V. Bhairavia]/M[J]

Srk.