

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH: HYDERABAD
Original Application No.21/746/2019**

Date of Order: 16.08.2019

Between:

1. Ch. Mahesh
S/o Pochaiah
34 years, Occ: Unemployee (Group D)
R/o H.No.2-30/A, Fathehpur, Raghunathapally Mandal
Warangal District.

2. M. Rajender, S/o Ramulu
32 Years, Occ: Unemployee
R/o H.No.8-16/2, Nethajinagar, Kadipikonda Village
Hanmakonda Mandal, Warrangal District.

3. D. Rajesh, S/o Venkatesh
23 years, Occ: Unemployee
R/o H.No.5-187/2, Rangapuram Village
Bibinagar Mandal, Yadadri District.

4. A. Sampath Raj, S/o A.Kattaiah
35 years, Occ: Unemployee
R/o H.No.1-3-84, Rahmathnagar
Kazipet, Warrangal District.

5. N. Venkata Sai, S/o Ravi Kumar
23 years, Occ: Unemployee
R/o H.No.1-13-147, Sirpur Kagaznagar
Kaapuvada, District, Kumarambheem District. Applicants

AND

1. Union of India, Ministry of Railways
Represented by its Secretary, Railway Board
Rail Bhavan, New Delhi.

2. The General Manager
South Central Railway, Secunderabad Division.

3. Divisional Railway Manager (Personnel)
South Central Railway, Secunderabad. Respondents

Counsel for the Applicant ... Mr. M. Srikanth
Counsel for the Respondents ... Mr. M. Venkateswarlu, SC for Railways

CORAM:

Hon'ble Mr. B.V. Sudhakar, Member (Admn.)

ORAL ORDER

2. The OA is filed challenging the action of the respondents in not considering the representations of the applicant for appointment under Liberalised Active Retirement Scheme for Guaranteed Employment for Safety Staff (hereinafter called as 'LARSGESS Scheme'), though they have fulfilled all the formalities under the LARSGESS Scheme.
3. Brief facts of the case are that the applicants have preferred application under LARSGESS Scheme well before retirement of their parents. They have completed all the formalities before termination of the Scheme w.e.f. 27.10.2017 solely on the ground that the parents are not currently in service. There was administrative delay on account of inaction of the respondents.
4. The contentions of applicants are that the request of applicants for appointment under LARSGESS Scheme should have been processed in time before the termination of the LARSGESS Scheme on 27.10.2017. They have been empanelled on completion of all formalities under

LARSGESS Scheme of 2017. They were also included in the provisional panel dated 06.10.2017 which is before the termination date of the LARSGESS Scheme, i.e. 27.10.2017. The delay in processing request for appointment under LARSGESS Scheme was purely for administrative reasons, hence, they should not be penalized for the inaction of the respondents.

5. With the consent of both the counsel, heard the matter for admission, without issuing notices to the respondents, however, an advance copy was already served on the respondents' counsel on 14.08.2019.

6. Heard both the counsel for admission and perused the pleadings on record.

7. (I) The learned counsel for applicants has submitted that the representations made by the applicants on 12.6.2019, 6.7.2019 and 31.05.2019 may have to be examined and disposed by the respondents. He also submitted that the Hon'ble Supreme Court, by its orders dated 6.3.2019 and 26.3.2019 and 22.4.2019, directed the respondents to consider the representations made by applicants when the LARSGESS Scheme was in vogue. Accordingly, the Railway Board has decided to

consider representations made individually as per their orders No.E(P&A)I-2015/RT-43 dated 29.05.2019 (copy at Annexure A-IV to the OA) and dated 12.07.2019.

(II) In view of the aforesaid, respondents are directed to dispose of the representations of the applicants, keeping in view the Hon'ble Supreme Court Judgment on the matter and also the Railway Board clarification with regard to consideration of representations made while the LARSGESS Scheme was in vogue and thereafter issue a speaking and well reasoned order within a period of 3 months from the date of receipt of a certified copy of this order.

With the above directions, the OA is disposed of with no order as to costs.

**(B.V. SUDHAKAR)
MEMBER (ADMN.)**

Dated, the 16th day of August, 2019

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