

**(2018) 07 CAT CK 0030**

**In the Central Administrative Tribunal**

**Case No :** Original Application No. 2220 Of 2017, Miscellaneous Application No. 2376 Of 2017

Balkunt Lal And Ors

APPELLANT

Vs

Union Of India And Ors

RESPONDENT

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**Date of Decision :** 25-07-2018

**Acts Referred:**

Constitution Of India, 1950 — Article 14, 16

**Citation :** (2018) 07 CAT CK 0030

**Hon'ble Judges :** Nita Chowdhury, Member (A); S.N. Terdal, J

**Bench :** Division Bench

**Final Decision :** Dismissed

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**Judgement**

Nita Chowdhury, Member (A)

MA No.2376/2017

1. For the reasons stated therein, the MA filed for joining together in a single Application is allowed.

OA No.2220/2017

2. Nobody appears for the parties today. None had also appeared for the applicant on 11.04.2018 also. This Original Application (OA) has been filed by the applicants on 29.05.2017, claiming the following reliefs:-

"8.1 That this Hon"ble Tribunal may graciously be pleased to allow the OA and direct the respondents to produce the relevant records and extend the benefit of the scheme as has been done in case of his colleagues (Annexure A-5&A-6).

8.2 That this Hon"ble Tribunal may also be graciously pleased to direct respondent no.3 to consider the application of the applicants and pass necessary orders for voluntary retirement of applicant no.1 and appointment to applicant no.2 as per scheme of LARSGESS.

8.3 Pass any other or further order which this Hon"ble Tribunal may deem fit and proper in the circumstances of the case."

3. The applicant no.1 is the employee of the Railways and his son, the applicant no.2, is seeking employment under the Liberalised Active Retirement Scheme for Guaranteed Employment for Safety Staff (in short, LARSGES Scheme).

4. When the present OA was taken up for hearing, it was found that in CWP No.7714/2016, the Hon"ble High Court of Punjab & Haryana at Chandigarh, by its judgment dated 27.04.2016, in Kala Singh and Others v. Union of India & Others, by holding that the LARSGES Scheme does not stand to the test of Articles 14 and 16 of the Constitution of India and that the policy is a device evolved by the Railways to make back-door entries in public employment and brazenly militates against equality in public employment, directed the Railway authorities that hitherto before making any appointment under the offending policy, its validity and sustainability be re-visited keeping in view the principles of equal opportunity and elimination of monopoly in holding public employment.

5. It is further seen that the SLP (C) No.4482/2017 filed against the decision in Kala Singh & Others (supra) was dismissed by the Apex Court by its order dated 06.03.2017. Thereafter, the Review Application No.RA-CW-330/2017, dated 14.07.2017 filed by the Railways in Kala Singh & Others (supra) before the Hon"ble High Court of Punjab and Haryana was also dismissed on 14.07.2017.

6. It is also relevant to note that an identical scheme like LARSGESS, framed for the benefit of the employees of the Singareni Collieries Company Limited, was declared to be violative of Articles 14 and 16 of the Constitution of India by the Hon"ble High Court of Judicature at Hyderabad for the States of Telangana and Andhra Pradesh, and the said decision was upheld by the Hon"ble Apex Court by its order dated 17.04.2017 in SLP No. 11566/2017 (Telangana Boggue Gani Karmika Sangam v. K. Satish Kumar and Others).

7. Further, it may also be mentioned that the same very issue, as raised in this OA was already considered and adjudicated by the Co-ordinate Benches of this Tribunal in OA No. 3936/2017 and batch - Jai Prakash and Others v. Union of India & Ors. And after considering the judgment of the Apex Court judgment in the case of Telangana Boggue Gani Karmika Sangham (supra), the OAs were dismissed. Hence, that judgment has attained finality.

8. In the circumstances and in view of the decision of the Hon"ble Apex Court in Telangana Boggue Gani Karmika Sangham (supra) and for the aforesaid reasons, the instant OA is dismissed being devoid of any merit. No costs.