

(2020) 11 CAT CK 0043

In the Central Administrative Tribunal

Case No : Original Application No. 1739 Of 2020, Miscellaneous Application No. 2240 Of 2020

Bashir Khan

APPELLANT

Vs

Union Of India & Others

RESPONDENT

Date of Decision : 09-11-2020

Acts Referred:

Citation : (2020) 11 CAT CK 0043

Hon'ble Judges : Pradeep Kumar, Member (A); R.N. Singh, Member (J)

Bench : Division Bench

Advocate : B. C. Nagar, Krishan Kant Sharma

Final Decision : Disposed Of

Judgement

Pradeep Kumar, Member (A)

1) The applicant herein had applied under the 1st cycle of 30.1.2015, under a Scheme known as Liberalized Active Retirement Scheme for

Guaranteed Employment for Safety Staff (LARSGESS), which was in force at that time, seeking his voluntary retirement and appointment of his son

in his place. The medical examination of his son, Shri Rehman Khan, was also done and he was declared Fit. However, the respondent Northern

Railway advised him on 19.9.2016, that appointment to his son cannot be granted for want of some clarification from Railway board.

2) It is submitted that the said Scheme of LARSGESS was also put on hold w.e.f. 27.10.2017 because of certain judicial pronouncements and this

may have been the reason why Respondents awaited for clarification from Railway Board. The scheme was finally terminated also vide circular Dt

5.3.2019. However, in respect of cases pending as of 27.10.2017, the matter

was adjudicated by Honâ??ble Apex Court vide their judgement Dt

26.3.2019 in Writ Petition (Civil) No. 219 of 2019, Narinder Siraswal and Ors Vs UOI and Anr, wherein certain directions were passed. The

operative para reads as under:

â?? xxxxx

Since the petitioners are claiming benefit under the scheme which was prevalent when applications were preferred by the petitioners, we give liberty

to the petitioners to approach the concerned authorities with appropriate representations. If such representation is made, the authorities will do well to

consider the matter within two weeks on preferring of the representations.

With these observations, the writ petition stands disposed of. Pending application(s), if any, shall stand disposed of.â??

3) While his application under LARSGESS remained pending, the applicant had eventually superannuated from Railway service on 31.12.2017.

4) Since he satisfied the conditions when the LARSGESS scheme was still applicable and his son was not granted appointment, and his case is

covered under the Honâ??ble Apex Court judgement (Para 2 supra), he has now preferred a representation for appointment of his son under

LARSGESS on 04.03.2020, which has not been decided as yet. Feeling aggrieved, the instant OA has been filed.

5) The matter has been heard. Issue Notice.

6) Shri K. K. Sharma, learned counsel appears on behalf of Respondents, on advance information, and accepts notice.

7) At this stage, learned counsel for the applicant submits that they would be satisfied if the respondents decide their pending representation dated

04.03.2020 by passing a reasoned and speaking order in terms of Honâ??ble Apex Court Judgment dated 26.03.2019 (Para 2 supra).

8) The OA is disposed of at the admission stage itself, without going into the merits of the case, with a direction to the respondents to pass a reasoned

and speaking order on the pending representation dated 04.03.2020, keeping into account the Honâ??ble Apex Courtâ??s direction dated

26.03.2019. This exercise shall be completed within a period of 4 weeks and the decision so taken shall be advised to the applicants within this time.

9) Pending MA No. 2240/2020 also stands disposed of.