

(2023) 05 CAT CK 0025

In the Central Administrative Tribunal

Case No : Original Application No. 148 Of 2020

Binod Ram

APPELLANT

Vs

Union Of India & Ors

RESPONDENT

Date of Decision : 11-05-2023

Acts Referred:

Constitution Of India, 1950 — Article 16

Citation : (2023) 05 CAT CK 0025

Hon'ble Judges : Om Prakash VII, Member (J); Dr. Sanjiv Kumar, Member (A)

Bench : Division Bench

Advocate : Prashant K Lal, R.C. Sahu

Final Decision : Dismissed

Judgement

Om Prakash VII, Member (J)

1. Shri Prashant K Lal, learned counsel for the applicant and Shri R C Sahu, learned counsel for the respondents, are present.

2. Although the matter is listed under the head "For Directions" today, the same is being heard and decided finally with the consent of parties.

3. The present original application has been filed seeking following reliefs:

"i. To issue a writ, order or direction in the nature of certiorari quashing the impugned order no. LS/CAT/ALD/OA.No.237/17/BR Mughalsarai dated 13.05.2019 (Annexure No. 7 of O.A. Compilation No. I)

ii. To issue a writ, order or direction in the nature of mandamus commanding the respondent no. 2 to re-consider the claim of the applicant's son namely Kantesh Kumar for appointment under Larsess Scheme.

iii. To issue any other necessary order or direction which this Hon'ble court may deem fit and proper in the circumstances of the case.

iv. Award the cost of the application of the applicant."

4. The matter pertains to LARSGESS scheme. Government of India has withdrawn the said scheme. Thus, the LARSGESS scheme is not in existence. Hon'ble Supreme Court while considering the issue in the case of Manjit and others Vs. Union of India and another (Writ Petition (Civil) No. 78 of 2021, decided on O.A.355/2015 Page 2 of 2 29th January, 2021 has observed that "Noticing the above decision, this Court, in its order dated 6 March 2019, specifically observed that since the Scheme stands terminated and is no longer in existence, nothing further need be done in the matter. The Scheme provided for an avenue of a back door entry into the service of the railways. This would be fundamentally at odds with Article 16 of the Constitution. The Union government has with justification discontinued the scheme. The petitioners' claim is neither a vested right nor a legitimate expectation under such a Scheme. All claims based on the Scheme must now be closed."

5. We have considered the legal position in the light of the prayer made in the present matter. When the LARSGESS scheme has been terminated, there is a specific direction of the Hon'ble Supreme Court that all claims based on the scheme must now be closed, thus keeping in view the aforesaid fact, relief claimed in the matter cannot be granted in favour of the applicant. Thus, the O.A. is dismissed. No order as to costs. All pending MAs in this O.As also stand disposed off.