

(2023) 05 CAT CK 0027
In the Central Administrative Tribunal
Case No : Original Application No. 215 Of 2020

Gendan Lal & Ors

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 0027

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

Bench : Division Bench

Advocate : Santosh Kumar Kushwaha, Vimal Kumar Rai

Final Decision : Dismissed

Judgement

Om Prakash VII, Member (J)

1. Shri S K Kushwaha, learned counsel for the applicants and Shri Vimal Kumar Rai, 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. The Hon'ble Tribunal may graciously be pleased to quash the impugned orders dated 25.03.2015, 27.01.2016 and 18.12.2019 with further direction to the respondent no. 2 to consider the case of applicants for voluntary retirement under LARSGESS Scheme on the basis of Rules and age prevailing at the time of submission of application and to issue the appointment orders in favour of applicant no. 2 within time bound period, as he has already declared passed in the medical examination and found fit in Bee-1 medical category.

ii) To pass any such and further order as deem fit in the facts and circumstances of the case.

iii) To issue award cost and compensation in favour of applicants.”

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 Government of India has withdrawn the said scheme.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 are also stand disposed off.