

(2020) 11 CAT CK 0077

In the Central Administrative Tribunal

Case No : Original Application No. 1847 Of 2020, Miscellaneous Application No. 2376 Of 2020

Harender Kumar

APPELLANT

Vs

Ministry Of Railways & Others

RESPONDENT

Date of Decision : 19-11-2020

Acts Referred:

Citation : (2020) 11 CAT CK 0077

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

Bench : Division Bench

Advocate : Manjeet Singh Reen, Krishan Kant Sharma

Final Decision : Disposed Of

Judgement

Pradeep Kumar, Member (A)

1) The applicant in the instant OA is the son of one Sh. Girish Babu, who is a serving employee working as Technical Wiremen-III. Railways had a

Scheme known as Liberalized Active Retirement Scheme for Guaranteed Employment for Safety Staff (LARSGESS), which was in force at that

time. In terms of this scheme, the Applicant made a request on 22.1.2016 seeking voluntary retirement in order to get appointment of his son, Sh.

Harender Kumar (applicant herein) in his place. The medical examination of his son, Sh. Harender Kumar, was also done on 01.09.2016 and it is

claimed that the applicant was declared Fit. All formalities are said to have been completed. However, the said appointment was still not granted,

which is the grievance raised in the instant OA.

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) Despite these orders, the application under LARSGESS has remained pending.

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 01.07.2019, 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 he will be satisfied if the respondents can decide his pending representation dated

01.07.2019 (Annexure A-6) for which further reminders were also submitted on 02.03.2020, 17.08.2020 and 18.10.2020, by passing a reasoned and

speaking order in terms of Honâ??ble Apex Court Judgment dated 26.03.2019 (Para 2 supra).

8) In view of foregoing, 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 01.07.2019 and subsequent reminders, 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.2376/2020 also stands disposed of.