

(2020) 11 CAT CK 0095

In the Central Administrative Tribunal

Case No : Original Application No. 1882 Of 2020, Miscellaneous Application No. 2412 Of 2020

Joginder

APPELLANT

Vs

Ministry Of Railways & Others

RESPONDENT

Date of Decision : 24-11-2020

Acts Referred:

Citation : (2020) 11 CAT CK 0095

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

Bench : Division Bench

Advocate : Manjeet Singh Reen, Shreya Bajpai

Final Decision : Disposed Of

Judgement

Pradeep Kumar, Member (A)

1. The father of the applicant was appointed as Trackman on 20.04.1984 and is serving as such under Respondent Railways. At the relevant point of

time, the Railways had a scheme known as Liberalized Active Retirement Scheme for Guaranteed Employment for Safety Staff (LARSGESS),

wherein an employee could opt for VRS and appointment of his/her ward in lieu thereof. The applicant's father had applied for Voluntary

Retirement Scheme (VRS) under the said LARSGESS scheme on 29.01.2016. It is pleaded that the medical examination in respect of the applicant

(the son who is the applicant in the instant OA) was also conducted on 08.09.2016. However, the applicant has not been appointed as yet.

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 An,r 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. Since the applicant satisfied the conditions when the LARSGESS scheme was still applicable and he was not granted appointment, and his case is

covered under the Honâ??ble Apex Court judgment (Para 2 supra), a representation was preferred dated 04.07.2020 followed by

reminders/representations dated 17.08.2020 and 22.10.2020. These have not been replied as yet. Feeling aggrieved, the instant OA has been filed.

4. The matter has been heard. Issue Notice.

5. Ms. Shreya Bajpai, who appears as proxy to Shri Krishan Kant Sharma on advance information, accepts notice on behalf of respondents.

6. At this stage, learned counsel for the applicant submits that applicant would be satisfied if the respondents decide the pending representations dated

04.07.2020, 17.08.2020 and 22.10.2020 by passing a reasoned and speaking order in terms of Honâ??ble Apex Court Judgment dated 26.03.2019

(Para 2 supra).

7. 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 representations dated 04.07.2020, 17.08.2020 and 22.10.2020, 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 applicant within this time.

8. Pending MA No. 2412/2020 also stands disposed of. No costs.