
(2018) 07 CAT CK 0033

In the Central Administrative Tribunal

Case No : Original Application No. 1443 Of 2013, Miscellaneous Application No. 1109 Of 2013

Mange Ram And Ors

APPELLANT

Vs

Union Of India And Ors

RESPONDENT

Date of Decision : 26-07-2018

Acts Referred:

Constitution Of India, 1950 — Article 14, 16

Citation : (2018) 07 CAT CK 0033

Hon'ble Judges : Nita Chowdhury, Member (A); S.N. Terdal, J

Bench : Division Bench

Advocate : R.K. Shukla, Shailendra Tiwary

Final Decision : Dismissed

Judgement

Nita Chowdhury, Member (A)

MA No.1109/2017

1. For the reasons stated therein, the MA filed for joining together in a single Application is allowed.

OA No.1443/2013

2. This Original Application (OA) has been filed by the applicants on 29.04.2013, claiming the following reliefs:-

"(a) Direct the respondents to extend the benefits of judgment of Shaikh Abdul Qadir passed by Andhra Pradesh High Court, confirmed by the Hon'ble Apex Court for the purposes of qualifying service of the applicant no.1 and thereafter an order be issued to the respondents to consider the claim of the applicants for granting appointment to the applicant No.2 for his appointment to which the applicant No.2 has been declared successful in the examination conducted by the respondents themselves.

(b) Any other relief which this Tribunal deem fit and proper may also be passed in the facts and circumstances of the case in favour of the applicant."

3. The applicant no.1 is the employee of the Railways and his son, the applicant no.2, is seeking employment under the Liberalised Active Retirement Scheme for Guaranteed Employment for Safety Staff (in short, LARSGES Scheme).

4. When the present OA was taken up for hearing, it is brought to our notice that in CWP No.7714/2016, the Hon'ble High Court of Punjab & Haryana at Chandigarh, by its judgment dated 27.04.2016, in Kala Singh and Others v. Union of India & Others, by holding that the LARSGES Scheme does not stand to the test of Articles 14 and 16 of the Constitution of India and that the policy is a device evolved by the Railways to make back-door entries in public employment and brazenly militates against equality in public employment, directed the Railway authorities that hitherto before making any appointment under the offending policy, its validity and sustainability be re-visited keeping in view the principles of equal opportunity and elimination of monopoly in holding public employment.

5. It is further to be seen that the SLP (C) No.4482/2017 filed against the decision in Kala Singh & Others (supra) was dismissed by the Apex Court by its order dated 06.03.2017. Thereafter, the Review Application No.RA-CW-330/2017, dated 14.07.2017 filed by the Railways in Kala Singh & Others (supra) before the Hon'ble High Court of Punjab and Haryana was also dismissed on 14.07.2017. The applicants failed to show any decision of any High Court or Supreme Court where the validity of LARSGES Scheme was upheld.

6. It is also relevant to note that an identical scheme like LARSGES, framed for the benefit of the employees of the Singareni Collieries Company Limited, was declared to be violative of Articles 14 and 16 of the Constitution of India by the Hon'ble High Court of Judicature at Hyderabad for the States of Telangana and Andhra Pradesh, and the said decision was upheld by the Hon'ble Apex Court by its order dated 17.04.2017 in SLP No. 11566/2017 (Telangana Boggue Gani Karmika Sangam v. K. Satish Kumar and Others).

7. Further, it may also be mentioned that the same very issue, as raised in this OA was already considered and adjudicated by the Co-ordinate Bench of this Tribunal in OA No. 3936/2017 and batch - Jai Prakash and Others v. Union of India & Ors. and after considering the judgment of the the Apex Court judgment in the case of Telangana Boggue Gani Karmika Sangham (supra), the OAs were dismissed. Hence, that judgment has attained finality.

8. In the circumstances and in view of the decision of the Hon'ble Apex Court in Telangana Boggue Gani Karmika Sangham (supra) and for the aforesaid reasons, the instant OA is dismissed being devoid of any merit. No costs.