

(2021) 04 CAT CK 0070

In the Central Administrative Tribunal

Case No : Original Application No. 932 Of 2021

Mewa Lal

APPELLANT

Vs

Union Of India & Others

RESPONDENT

Date of Decision : 30-04-2021

Acts Referred:

Citation : (2021) 04 CAT CK 0070

Hon'ble Judges : A. K. Bishnoi, Member (A); Ashish Kalia, Member (J)

Bench : Division Bench

Advocate : H. P. Chakravorty, Neetu Mishra

Final Decision : Disposed Of

Judgement

Ashish Kalia, Member (J)

1) The applicant herein had applied under the 1st cycle of 2015 on 27.1.2015, under a Scheme known as Liberalized Active Retirement Scheme for

Guaranteed Employment for Safety Staff (LARSGESS), which was in force at that time, seeking appointment of his son in his place, who applied for

voluntary retirement. The medical examination of son of the applicant was also done and he was declared medically fit on 15.3.2016. However,

the respondent Northern Railway advised him that appointment to his ward cannot be granted for want of some clarification from Railway Board.

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

dated 05.03.2019. However, in respect of cases pending as of 27.10.2017, the matter was adjudicated by Hon'ble Apex Court vide their judgement

dated 26.03.2019 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) While his application under LARSGESS remained pending, the applicant is yet to retire.

4) Since he satisfied the conditions when the LARSGESS scheme was still applicable and applicant's son was not granted appointment, and his case

is covered under the Hon'ble Apex Court judgement (Para 2 supra), he has now preferred representations for appointment of his son under

LARSGESS on 09.11.2020 (Annexure A-13), 25.11.2020 (Annexure A-13), and 16.3.2021, which have not been decided as yet. Feeling aggrieved,

the instant OA has been filed by the applicant.

5) The matter has been heard. Issue Notice.

6) Ms. Neetu Mishra, learned proxy counsel for Shri Satpal Singh, learned counsel, appears on behalf of Respondents, on advance notice, and accepts

notice.

7) At this stage, learned counsel for the applicant submits that the applicant would be satisfied if the respondents are directed to decide the aforesaid

representations of the applicant by passing a reasoned and speaking order in terms of Hon'ble Apex Court Judgment dated 26.03.2019 (Para 2

supra).

8) 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 aforesaid pending representations of the applicant, keeping into account the Hon'ble Apex Court's direction dated

26.03.2019. It is made clear that the said representations cannot be rejected on

the ground of limitation. This exercise shall be completed within a period of 4 weeks from the date of receipt of a copy of this Order and the decision so taken shall be communicated to the applicant within this time.

9) Pending MA No. 2543/2021 also stands disposed of.