

(2020) 12 CAT CK 0041

In the Central Administrative Tribunal

Case No : Original Application No. 2013 Of 2020, Miscellaneous Application No. 2581 Of 2020

Mohinder Singh

APPELLANT

Vs

Union Of India And Others

RESPONDENT

Date of Decision : 09-12-2020

Acts Referred:

Citation : (2020) 12 CAT CK 0041

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

Bench : Division Bench

Advocate : B.C.Nagar, Krishna Kant Sharma

Final Decision : Disposed Of

Judgement

R. N. Singh, Member (J)

1. The applicant herein had applied on 26.02.2014 under a Scheme known as Liberalized Active Retirement Scheme for Guaranteed Employment for

Safety Staff (LARSGESS), which was in force at that time. Applicant sought voluntary retirement in order to get appointment of his son, namely, Sh.

Shyam Lal in his place. The medical examination of his son, Sh. Shyam Lal, was also done on 20.04.2015 and vide medical memo No.20369 dated

21.04.2015, he was declared Fit. However, the said appointment was not done, which is the grievance raised in the instant OA. The respondent

Northern Railway advised him that appointment to his son 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 Honâ??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 thereof as under:

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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 applicantâ??s 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 his appointment under

LARSGESS on 17.04.2020, 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 they would be satisfied if the respondents decide their pending representation dated

17.04.2020 by passing a reasoned and speaking order in terms of Honâ??ble Apex Court Judgment dated 26.03.2019 (Para 2 supra). There is no

objection from the learned counsel for the respondents for such request of the learned counsel for the applicant.

8) In view of the aforesaid, 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 17.04.2020, keeping into account the Honâ??ble Apex

Court'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. 2581/2020 also stands disposed of.