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**(2022) 05 CAT CK 0024**

**In the Central Administrative Tribunal**

**Case No :** Original Application No. 330, 00331 Of 2022

Ram Raj Pal

APPELLANT

Vs

Union Of India And Others

RESPONDENT

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**Date of Decision :** 13-05-2022

**Acts Referred:**

Constitution Of India, 1949 — Article 16

**Citation :** (2022) 05 CAT CK 0024

**Hon'ble Judges :** Pratima K Gupta, Member (J)

**Bench :** Single Bench

**Advocate :** Brahmanand Tripathi, Chakrapani Vatsyayan

**Final Decision :** Dismissed

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## **Judgement**

Pratima K Gupta, Member (J)

1. Shri Brahmanand Tripathi, learned counsel for the applicant and Shri M.K. Sharma holding brief of Shri Chakrapani Vatsyayan, learned counsel for the respondents are present.

2. By way of this present original application the applicant has sought the following reliefs :-

“ (i) to issue a direction in the nature of mandamus directing the respondent No.2 to provide employment of Ravi Pal Son of the applicant and LARSGESS Scheme within stipulated period as directed by the Hon'ble Tribunal.

(ii) to issue a direction in the nature of mandamus directing the respondent No.2 to decide the claim of the applicant dated 16.02.2016.

(iii) any other order or direction which this Tribunal may deem fit and proper in the ends of justice.

(iv) award cost of the application.”

3. The brief facts of the original application are that the applicant has applied for

voluntary retirement on 01.01.2015 under the voluntary retirement scheme of the respondents whereby he has sought the voluntary retirement and appointment of his son under the LARSGESS Scheme of the respondents. It is submitted that the application for voluntary retirement sought by the applicant was never allowed and the applicant is still serving the respondents, his date of superannuation is in July, 2022.

4. Learned counsel for the respondents submits that since the applicant is still serving with the respondents accordingly the case of the son of the applicant cannot be considered under the LARSGESS Scheme. In addition, the Hon'ble Supreme Court in Writ Petition (C) 1407 of 2019 had held that once the scheme itself was withdrawn, no benefit whatsoever including one of consideration of representation would be afforded to any of the person. Similarly, in CWP No. 78 of 2021 the Hon'ble Apex Court has held that the LARSGESS scheme is fundamentally against the Article 16 of the Constitution of India.

5. In view of the situation explained above, there is no merit in the instant OA, which is accordingly dismissed.

6. No order as to costs.

7. All the associated MAs are disposed of accordingly.

8. Accordingly the OA is dismissed in terms of above order. However, the applicant is at liberty to raise his grievance by way of a representation within a period of two weeks which the respondents shall decide the same by way of reasoned and speaking order within a period of three months from the date of receipt of the representation of the applicant. No order as to costs.