
(2021) 01 CAT CK 0035

In the Central Administrative Tribunal

Case No : Original Application No. 49 Of 2021, Miscellaneous Application No. 71 Of 2021

Sandeep Kumar

APPELLANT

Vs

Ministry Of Railways & Others

RESPONDENT

Date of Decision : 12-01-2021

Acts Referred:

Citation : (2021) 01 CAT CK 0035

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

Bench : Division Bench

Advocate : Manjeet Singh Reen, Krishan Kant Sharma

Final Decision : Disposed Of

Judgement

R. N. Singh, Member (J)

1) The applicant's father herein had applied under the 1st cycle of 2016 dated 21.1.2016, 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 (applicant) in his

place, who applied for voluntary retirement. The medical examination of the applicant was also done and vide letter dated 12.9.2016, he was declared

â??Fit?. However, the respondent Northern Railway advised him that appointment to applicant 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 father of the applicant was superannuated.

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

covered under the Hon?ble Apex Court judgement (Para 2 supra), he has now preferred representation for appointment of applicant under

LARSGESS on 18.11.2020 (Annexure A-13), 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 notice, accepts notice.

7) At this stage, learned counsel for the applicant submits that applicant would be satisfied if the respondents decide his pending representation dated

18.11.2020 (Annexure A-13) 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 pending aforesaid representation dated 18.11.2020 (Annexure A-13), keeping into account the Hon?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.71/2021 also stands disposed of.