
(2020) 11 CAT CK 0082

In the Central Administrative Tribunal

Case No : Original Application No. 1851 Of 2020, Miscellaneous Application No. 2374 Of 2020

Sanjay Jhangra

APPELLANT

Vs

Ministry Of Railways & Others

RESPONDENT

Date of Decision : 20-11-2020

Acts Referred:

Citation : (2020) 11 CAT CK 0082

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

Bench : Division Bench

Advocate : Manjeet Singh Reen, Krishna Kant Sharma

Final Decision : Disposed Of

Judgement

Pradeep Kumar, Member (A)

1. The father of the applicant is a serving Railway employee. The Railways had a scheme known as Liberalized Active Retirement Scheme for

Guaranteed Employment for Safety Staff (LARSGESS). The father wanted to take the benefit of LARSGESS and he offered to go on voluntary

retirement and requested that his son may be granted the appointment under the said scheme. He made a representation to this effect on 23.01.2016.

It is pleaded that the medical examination was conducted on 28.09.2016, in which he was declared as fit. However, the son (who is the applicant in

the instant OA) has not been appointed as yet.

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 Dt

5.3.2019. However, in respect of cases pending as of 27.10.2017, the matter was adjudicated by Honâ??ble Apex Court vide their judgement Dt

26.3.2019 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. Since the applicant satisfied the conditions when the LARSGESS scheme was still applicable and he was not granted appointment, and his case is

covered under the Honâ??ble Apex Court judgment (Para 2 supra), he has now preferred representations dated 29.03.2019, followed by another

representation on 17.08.2020 and 22.10.2020. These have not been replied as yet. Feeling aggrieved, the instant OA has been filed.

4. The matter has been heard. Issue Notice.

5. Shri K. K. Sharma, learned counsel appears on behalf of Respondents, on advance information, and accepts notice.

6. At this stage, learned counsel for the applicant submits that applicant would be satisfied if the respondents decide his pending representations dated

29.03.2019, 17.08.2020 and 22.10.2020 by passing a reasoned and speaking order in terms of Honâ??ble Apex Court Judgment dated 26.03.2019

(Para 2 supra).

7. 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 representations dated 29.03.2019, 17.08.2020 and 22.10.2020, keeping into account the Honâ??ble Apex

Courtâ??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.

8. Pending MA No. 2374/2020 also stands disposed of. No costs.