
(2019) 02 CAT CK 0074

In the Central Administrative Tribunal

Case No : Original Application No. 2742 Of 2017

Shri Mahavir

APPELLANT

Vs

Union Of India

RESPONDENT

Date of Decision : 11-02-2019

Acts Referred:

Citation : (2019) 02 CAT CK 0074

Hon'ble Judges : Nita Chowdhury, J; S.N. Terdal, J

Bench : Division Bench

Advocate : HK Bajpai, Meenu Mainee, Krishan Kant Sharma

Final Decision : Dismissed

Judgement

Nita Chowdhury, J

1. When the matter is taken up, counsel for the parties are present.
2. At the outset, counsel for the respondents informed that this is a case of LARSGESS Scheme which has been discontinued since 2017 by the Railway Board's letter No.E (P&A)I-2015/RT-43 dated 26.09.2018. Hence, the pleas made in this OA stand infructuous.
3. We have also examined the OA in which the reliefs sought for extension of benefits under LARSGESS Scheme are reproduced hereunder:-

"8.1 That this Hon'ble Tribunal may graciously be pleased to allow the OA and direct the respondents to produce the relevant records and extend the benefit of scheme as has been given in case of his colleagues as per Annexure A-5 & A-6.

8.2 That this Hon'ble Tribunal may also be graciously pleased to direct respondent no.3 to consider the application of the applicants and pass necessary orders for voluntary retirement of applicant no.1 and appointment to applicant no.2 as per the scheme of LARSGESS.

8.3 Pass any other or further order which this Hon'ble Tribunal may deem fit and

proper in the circumstances of the case.

8.4 That the Hon'ble Tribunal may further be graciously pleased to grant costs against the respondents and in favour of the applicant."

4. In a similar case, i.e. OA No. 960/2016 (Pala Ram v. Union of India &Ors.), it is found that the Railway Board, vide its letter No.E(P&A)I-2015/RT-43 dated 26.09.2018, has terminated the LARSGESS Scheme in view of directions of Hon'ble High Court of Punjab and Haryana and the orders of Hon'ble Supreme Court in SLP (C) No. 508/2018 dated 08.01.2018. The said order of the Railway Board reads as under:-

"Sub: Termination of the LARSGESS Scheme in view of directions of Hon'ble High Court of Punjab and Haryana and the orders of Hon'ble Supreme Court of India in SLP (C) No. 508/2018 dated 08.01.2018.

Ref: Board's letter of even number dated 27.10.2017.

The Hon'ble Punjab and Haryana High Court in its judgment dated 27.04.16 in CWP No. 7714 of 2016 had held that the Safety Related Retirement Scheme 2004 (later renamed as the Liberalised Active Retirement Scheme for Guaranteed Employment for Safety Staff (LARSGESS, 2010) "prima facie does not stand to the test of Articles 14 and 16 of the Constitution of India" It had directed "before making any appointment under the offending policy, let its validity and sustainability be revisited keeping in view the principles of equal opportunity and elimination of monopoly in holding public employment." Thereafter, in its judgment dated 14.07.17 (Review Petition RA-CW-330-2017 in CWP No. 7714 of 2016), the Hon'ble High Court reiterated its earlier direction and stated "such a direction was necessitated keeping in view the mandate of the Constitution Bench in State of Karnataka Vs. Uma Devi, (2006) 4 SCC 1."

1.1 In the Appeal against the judgment of the Hon'ble High Court of Punjab & Haryana, the Hon'ble Supreme Court of India, while disposing of the SLP (C) No. 508/2018 vide its order dt. 8.01.18, declined to interfere with the directions of the High Court.

2. In compliance with the above directions, Ministry of Railways have revisited the scheme duly obtaining legal opinion and consulted Ministry of Law & Justice. Accordingly, it has been decided to terminate the LARSGESS Scheme w.e.f. 27.10.2017 i.e. the date from which it was put on hold. No further appointments should be made under the Scheme except in cases where employees have already retired under the LARSGESS Scheme before 27.10.17 (but not normally superannuated) and their wards could not be appointed due to the Scheme having been put on hold in terms of Board's letter dated 27. 10.17 though they had successfully completed the entire process and were found medically fit. All such appointments should be made with the approval of the competent authority."

5. Quite clearly, the scheme of LARSGESS has now been terminated w.e.f.

27.10.2017. Hence, at this stage, applicants cannot be given any benefits under LARSGES Scheme as the said Scheme is no longer in existence.

6. In view of the above facts and circumstances, nothing remains to be adjudicated in this matter and the OA is accordingly dismissed as having become infructuous. No order as to costs.