
(2020) 11 CAT CK 0099

In the Central Administrative Tribunal

Case No : Original Application No. 1884, 1889, 1891, 1898 Of 2020,
Miscellaneous Application No. 2431, 2428, 2427, 2424 Of 2020

Sunny & Others

APPELLANT

Vs

Ministry Of Railways & Others

RESPONDENT

Date of Decision : 25-11-2020

Acts Referred:

Citation : (2020) 11 CAT CK 0099

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

Bench : Division Bench

Advocate : Manjeet Singh Reen, Shreya Bajpai, Krishan Kant Sharma

Final Decision : Disposed Of

Judgement

Pradeep Kumar, Member (A)

1. In these four OAs, a common grievance has been raised that benefit under a Scheme introduced by Railways known as Liberalized Active

Retirement Scheme for Guaranteed Employment for Safety Staff (LARSGESS), which was in force at that time, has not been granted despite

applicants fulfilling all the requirements. Accordingly, a common order is being passed. The respective details in respect of these OAs are as under.

2. In OA No.1884/2020, the applicant's father applied for voluntary retirement under LARSGESS scheme on 28.01.2016. The medical test of

applicant (Son) was got done vide memo dated 08.09.2016 and he was declared fit, in B1 with glasses, on 16.9.2016. However, the appointment to the

applicant (Son of the concerned railway employee) was not done. The applicant preferred a representation dated 02.08.2019 followed by reminders

dated 28.02.2020, 17.08.2020 and 16.10.2020. These have not been replied as

yet.

3. In OA No.1889/2020 applicant's father applied for voluntary retirement under LARSGESS scheme on 23.01.2016. The medical test of applicant

(Son) was got done vide memo dated 01.09.2016. However, the appointment to the ward of the concerned railway employee was not done. The

applicant preferred a representation dated 13.06.2019 followed by reminders dated 17.06.2019, 02.03.2020 and 18.10.2020. These have not been

replied as yet.

4. In OA No.1891/2020 applicant's father applied for voluntary retirement under LARSGESS scheme on 29.01.2016. The medical test of applicant

(Son) was got done vide memo dated 07.09.2016. However, the appointment to the ward of the concerned railway employee was not done. The

applicant preferred a representation dated 11.06.2019 followed by reminders dated 18.06.2019, 04.07.2019, 27.07.2020, 17.08.2020 and

18.10.2020. These have not been replied as yet.

5. In OA No.1898/2020 applicant's father applied for voluntary retirement under LARSGESS scheme on 28.02.2014. The medical test of applicant

(Son) was got done vide memo dated 11.08.2016. The applicant pleads that he has been called again for medical test on 28.02.2020. However, the

appointment to the applicant (Son of the concerned railway employee) was not done. The applicant preferred a representation dated 17.06.2019

followed by reminders dated 27.02.2020, 17.08.2020 and 20.10.2020. These have not been replied as yet.

6. 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 Hon'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??

7. However, while the applications under LARSGESS remained pending, the respondents have not complied with the directions by Hon?ble Apex

Court as above.

8. Since applicants satisfied the conditions when the LARSGESS scheme was still applicable and their cases are covered under the Hon?ble Apex

Court judgement (Para 6 supra), they have now preferred representations for appointment of their wards under LARSGESS as brought out in para 2

to 5 above, which has not been decided as yet. Feeling aggrieved, the instant OAs have been filed.

9. The matter has been heard. Issue Notice.

10. Ms. Shreya Bajpai, proxy counsel for Shri K. K. Sharma, learned counsel appears on behalf of Respondents, on advance information, and accepts

notice.

11. At this stage, learned counsel for the applicants submits that he will be satisfied if the respondents decide their pending representations followed by

reminders by passing a reasoned and speaking order in terms of Hon?ble Apex Court Judgment dated 26.03.2019 (Para 6 supra).

12. In view of foregoing, 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 and subsequent reminders, keeping into account the Hon?ble Apex

Court?s direction dated 26.03.2019. This exercise shall be completed within a period of four weeks and the decision so taken shall be advised to the

applicants within this time.

13. Pending MAs shall also stand disposed of.