

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP 27185 of 2015

Date of Decision: December 24, 2015

Lila Ram and another	Versus	Petitioners
Union of India and others		 Respondents

**CORAM : HON'BLE MR. JUSTICE T.P.S.MANN
HON'BLE MR. JUSTICE GURMIT RAM**

Present : Mr. Sajjan Singh, Advocate
for the petitioners.

T.P.S.MANN, J.

The petitioners have filed the present writ petition under Articles 226/227 of the Constitution of India for challenging the order dated 7.8.2015 (Annexure P-10) passed by the Chandigarh Bench of Central Administrative Tribunal, whereby, the original application filed by them for quashing the order dated 26.10.2013 (Annexure P-6) has been rejected.

According to the petitioners, petitioner No.1-Lila Ram was appointed as Gateman in the pay scale of Rs.5200-20200+1800. On 16.8.1989, he was appointed as Gangman and on 22.8.1992 his services were regularized. The respondents formulated Scheme dated 28.6.2011 (Annexure P-5) known as Liberalized Active Retirement Scheme for Guaranteed Employment for Safety Staff (LARSGESS). Under this Scheme, an employee who had completed 20 years of service and was

between the age of 50-57 years could voluntarily seek retirement from the service and in his place his ward could be appointed. Petitioner No.1-Lila Ram applied for giving appointment to his son Rajesh Kumar-petitioner No. 2 under this Scheme on 31.7.2011. However, the claim of the petitioners was rejected vide order dated 26.10.2013 on the ground that on 1.7.2011, petitioner No.1-Lila Ram had not completed 20 years of service and on 1.7.2013 he had acquired the age of 57 years. The petitioners challenged the rejection of their claim by filing Original Application before the Tribunal but the same has been dismissed.

On perusal of the impugned order Annexure P10 passed by the Chandigarh Bench of Central Administrative Tribunal, it is made out that though petitioner No.1-Lila Ram was regularized as Gangman on 22.8.1992, thus putting in 18 years, 11 months and 22 days upto 31.7.2011 and had also countable service from temporary status till his regularization of 1 year, 3 months and 15 days, in all, he had qualifying service of 20 years, 3 months and 7 days yet he had unauthorized absence without pay for a period of 2 years, 7 months and 11 days. Meaning thereby, that the total qualifying service as on 31.7.2011 was only 17 years, 7 months and 13 days. Therefore, he did not have minimum qualifying service of 20 years under the LARSGESS. The plea of the petitioners that the respondents did not produce

any record of unauthorized absence of petitioner No.1-Lila Ram as claimed by the Authorities is a question of fact, which cannot be gone into in the present petition filed by the petitioners. Moreover, when petitioner No.1-Lila Ram had sought reconsideration of the matter and his application was forwarded on 1.7.2013, he had already crossed the age of 57 years, making him ineligible under LARSGESS.

In view of the above, no case is made out for any interference in the impugned order passed by the Tribunal. The petition is without any merit and, accordingly, dismissed.

**(T.P.S. MANN)
JUDGE**

**December 24, 2015
amit rana**

**(GURMIT RAM)
JUDGE**