

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA
REDDY

AND
THE HON'BLE SRI JUSTICE G.SHYAM PRASAD

WRIT PETITION No.18705 of 2016

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16.06.2016

Between:

Union of India,
represented by its Secretary, Railway Board,
New Delhi and others

..Petitioners

And

S.Jayannisha

..Respondent

Counsel for the petitioners: Mr.P.Bhaskar

Counsel for the respondent: Mr.K.Siva Reddy

The Court made the following:

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ORDER: (Per the Hon'ble Sri Justice C.V.Nagarjuna Reddy)

The Union of India represented by the Secretary, Railway Board, and three other South Central Railway officials including its General Manager, filed this writ petition feeling aggrieved by the order, dated 18.11.2014, in O.A.No.020/551/2014 of the Central Administrative Tribunal, Hyderabad Bench, Hyderabad (for short 'the Tribunal').

2. We have heard Mr.P.Bhaskar, learned counsel for the petitioners, and Mr.K.Siva Reddy, learned counsel appearing for the respondent – caveator.

3. The respondent was appointed as *khalasi* on 18.07.1981 and was granted temporary status with effect from 01.01.1984. While she was working on temporary status of female khalasi in construction organization, she was continued against the work charged post with provisional paper lien in Secunderabad Division against Group 'D' post as Gang Woman in the scale of Rs.775-1025/- with effect from 02.07.1997. Later, she was sent on deputation to work in the office of Deputy C.E., Khazipet as an office mate. As on the relevant date, she rendered 20 years and 8 months of service.

4. Petitioner No.4, through notification, dated 30.12.2011, under LARSGESS scheme, made the children of the employees of the safety category eligible to be appointed in place of their parent employees.

In pursuance thereof, the respondent applied for appointment of her daughter viz., Haseena SK, who had intermediate qualification. After scrutiny of all the papers, the daughter of the respondent was allowed to appear for written examination held on 25.05.2012 and by proceedings, dated 09.06.2012, she was declared qualified in the written examination. Later, the daughter of the respondent was sent for

medical examination on 30.01.2013 and was found fit. By letter, dated 18.06.2013, petitioner No.4 advised the controlling authority to initiate necessary action for terminating the services of the employees mentioned therein duly accepting their voluntary retirements, including the respondent and also directed their wards to bring photo identity letters for offering them appointment under LARSGESS scheme. Accordingly, petitioner No.3 issued letter, dated 18.06.2013, directing the controlling authority to settle the terminal benefits of all the employees whose wards are proposed to be appointed, at the earliest.

5. While things stand so, petitioner No.3, *vide* proceedings, dated 22.04.2013, informed the controlling authority of the respondent that the latter should have 20 years of qualifying service in the specified safety category post in terms of the Railway Board's letter No.E(PA)1-2011/RT-6, dated 11.03.2013, circulated by CPO/SC at serial circular No.27/2013. In the light of the said letter, the daughter of the respondent was not appointed and this gave rise to the respondent approaching the Tribunal.

6. A detailed counter-affidavit was filed on behalf of the petitioners before the Tribunal, wherein it was, *inter alia*, pleaded that as the respondent was working as office mate, she does not fall under "safety category", and therefore, she was not entitled to the benefit under LARSGESS scheme. On a thorough consideration of the respective pleadings and the record, the Tribunal held that though the respondent was working as office mate, she was sent on deputation to work as office mate, that the stand taken by the petitioners that the respondent was sent on deputation at her own request was not supported by any material and that it was not in dispute that though the respondent was working on deputation as office mate, her lien on her parent post with construction wing as gang woman was not terminated and that therefore, she is deemed to have been continuing as gang woman, which admittedly falls under "safety category", thereby qualifying her

for the benefit under LARSGESS scheme.

7. Having carefully considered the reasons assigned by the Tribunal for drawing the conclusion as it did in favour of the respondent, we are entirely in agreement with the same and we have no reason whatsoever to arrive at a different conclusion from that arrived at by the Tribunal. Even otherwise, we notice that the writ petition suffers from laches. Though the impugned order was passed on 18.11.2014, the present writ petition is filed more than 1½ years thereafter. The explanation offered by the petitioners that they did not properly understand the directions issued by the Tribunal is wholly unconvincing. Therefore, apart from the merits, the writ petition is liable to be dismissed even on the ground of laches.

8. For the aforementioned reasons, the Writ Petition is dismissed.

9. As a sequel to dismissal of the Writ Petition, W.P.M.P.No.22966 of 2016 filed by the petitioners for interim relief shall stand dismissed as infructuous.

C.V.NAGARJUNA REDDY, J

G.SHYAM PRASAD, J

16th June, 2016
GHN

