

\$~36.

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 9028/2016

KISHORI LAL SAINI AND ANR.

..... Petitioners

Through Mr. Alakh Alok Srivastava, Advocate.

versus

UNION OF INDIA AND ORS.

..... Respondents

Through Mr. Jagjit Singh, Sr. Standing Counsel
for Railways & Mr. Preet Singh, Advocate.

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MS. JUSTICE SUNITA GUPTA

ORDER

%

30.09.2016

We have heard learned counsel for the petitioner, who impugns the order dated 27th September, 2016 passed by the Principal Bench of the Central Administrative Tribunal, dismissing MA No. 2895/2016 in which the following prayer was made:-

“(i) issue a direction to the respondents that the upcoming retirement of the petitioner No. 1 on 30.09.2016 shall not prejudice the instant case of the petitioners and shall not come into the way of the appointment of the petitioner No. 2 under the said LARSGESS Scheme;

(ii) pass any other further orders as this Hon’ble Tribunal may deemed fit and proper in the facts and circumstances of the case mentioned above.”

2. The aforesaid MA was moved in Contempt Petition No.490/2016 as the petitioner pleads and asserts that the respondent-Railways have violated the order dated 23rd July, 2016 directing them to dispose of the representation dated 2nd May, 2014 seeking benefit of the Liberalised Active Retirement Scheme for Guaranteed Employment of Safety Staff. The petitioner had sought voluntary retirement from the existing employment as also appointment of his son.

3. We do not think the prayers made in the MA could have been allowed as an interim order. In the contempt petition, notice has been issued and the matter is fixed for 4th November, 2016.

4. In view of the aforesaid, we do not find any error in the order passed by the tribunal. The writ petition is dismissed.

SANJIV KHANNA, J.

SUNITA GUPTA, J.

SEPTEMBER 30, 2016
VKR/NA