

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11465 of 2016

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1. The Union Of India through General Manager, EC Railway, Hazipur.
 2. The General Manager (Personnel), Chief Personnel Officer, East Central Railway Hajipur.
 3. Divisional Railway Manager, Danapur Division, East Central Railway, Danapur, Khagaul.
 4. Senior Divisional Personnel Officer, Danapur Division, East Central Railway, Danapur.
 5. Senior Divisional Personnel Officer, Danapur Division, East Central Railway, Danapur, Khagaul.
 6. Senior Divisional Medical Officer, Divisional Railway Hospital, Danapur Division, East Central Railway, Danapur, Khagaul.
 7. Assistant Personnel Officer, Danapur Division, East Central Railway, Danapur.
 8. Senior Section Engineer (P. Way), East Central Railway, Patna.
 9. Office Superintendent, O/o Senior Section Engineer, (P.Way), East Central Railway, Patna.

.... Petitioners

Versus

Raisuddin, son of Late Mobid, Resident of village- Bagdar, P.O.- Mukarai, P.S- Azam Nagar, District- Katihar.

.... Respondent

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Appearance :

For the Petitioners : Mr. Shekhar Singh, Advocate
For the Respondent : Mr. Gautam Saha, Advocate

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

and

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 16-02-2017

Vide order dated 10.11.2015, passed in O.A. No. 71/2014, the Central Administrative Tribunal, Patna Bench, Patna has given a direction upon the petitioners to appoint the son of the employee under what is known as Liberalised Active Retirement Scheme for Guaranteed Employment for Safety Staff (LARGESS for short). There is not much of controversy, which is emerging from the reading of the order of the Tribunal. The scheme and its applicability



is not in doubt. The only plea which is taken for denying the benefit to the applicant was that his father had not completed the minimum qualifying period of 20 years of service. The Tribunal gave opportunity to the Railways to establish the fact but for some strange reason they chose not to do so and now in the writ petition they are trying to raise an objection that the Tribunal has erred by giving a direction.

When a defence is put up by a party for not to performing his part of the responsibility then that reason has to be tested with supporting evidence in this regard. The Railways themselves chose not to establish that the employee had not completed 20 years of service, but now in the writ application in the pleading, especially in paragraph 11 they have tried to do some jugglery with the figures to reduce the period from 20 years to less than 20 years. The details of the calculation reads as under :

“Date of Retirement (Under LARGEES)- 30.09.2013

Date of Appointment – 20.01.1981

Date of Temporary Status- 01.01.1984

Date of Regularization – 29.12.1997

Total service from 01.01.1984 to 30.09.2013- 29 years 8 months
28 days

T.S. to regularization 50% of 01.01.1984 to 29.12.1997- 6 years
11 months 28 days to be deducted from total services

Thus total service after deduction is –

29 years 8 months 22 days

--6 years 11 months 28 days

22 yeas 9 months 01 day



L.W.P. Period in service (1321 days deducted) i.e. 03 years 07 months 22 days
Total Qualifying service – 19 years 01 month 09 days”

The calculation in paragraph 11 of the writ application itself is a give away and is a reflection on the dishonest conduct of the Railways because they add up the period of service to 22 years 09 month and 01 day, but by a strange logic the leave without pay period is now sought to be deducted from the total period of service of the applicant’s father, which calculation no service jurisprudence can explain.

The writ application, therefore, has no merit. The Tribunal has committed no wrong by giving a direction upon the respondents to do what they are bound to do in the terms of the LARGEES scheme, which is a welfare scheme for the benefit of the wards of the employees.

Writ is dismissed.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

Rajesh/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	25.02.2017
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