

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14318 of 2017

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Jagat Narayan Saw @ Jagat Narayan Shah @ Jagat Narain Singh @ Jagat Narayan
Sao, son of Late Mukund, resident of village - Gulamehiyabag, P.O. - Kachchi
Dargah, P.S. - Didarganj, District - Patna.

.... Petitioner/s

Versus

1. The Union of India through the Principal Secretary of Railway Department,
Government of India, New Delhi - 110001.
2. The Principal Secretary, Railway Department, Government of India, New Delhi -
110001.
3. The Director, Rail Division, Rail Bhawan, New Delhi - 110001.
4. The General Secretary, East Central Railway, Hazipur - 841101.
5. The Assistant Personnel Officer (Karmik Adhikari) - III, Divisional Manager
(Personnel) Railway, Danapur - 801105.
6. The Station Manager, East Central Railway, Hilsa, Nalanda, Bihar - 801302.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shabbir Ahamd, Adv.
Mr. Shambhu Sharan Singh, Adv.
For the Railways : Mr. Kalyan Shankar, Adv.

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 13-11-2017

Heard counsel for the petitioner and counsel for the
Railways.

Since it was a desperate effort made by the petitioner,
who happened to be Nana of one Sonu Kumar, to beget him benefit of
appointment under the Railways in a LARSGESS Scheme which has
miserably failed because Sonu Kumar did not pass the test of being
adopted son of the Railway employee who was the son of the
daughter of the employee and since there was no valid adoption in the
eye of law and the provisions for such appointment under the



LARSGESS Scheme does not envisage to provide employment to the son of the daughter of any employee, the rejection by the Railways authorities and upholding the said decision by the Central Administrative Tribunal, Patna Bench, Patna in the order dated 31.07.2017 passed in O.A. 406 of 2017 cannot be said to be erroneous.

Learned counsel tries to convince the Court that the format of the Scheme contained in Annexure-1 indicates that this is meant for dependents (*Ashrit*), therefore the case for appointment under the LARSGESS Scheme should be liberally construed.

The format does not make the Scheme. It is the scheme which makes the format. Therefore, interpretation cannot be given on the word used in the format. The Scheme has to be understood in the context and the spirit under which it was notified.

Writ has no merit. It is dismissed.

(Ajay Kumar Tripathi, J)

(Rajeev Ranjan Prasad, J)

Arvind/-

AFR/NAFR	
CAV DATE	
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