

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.25635 of 2015 (O&M)

Date of Decision: 22.05.2017

Parveen Kumar

... Petitioner

VS.

UOI & Ors.

... Respondents

**CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR.JUSTICE HARI PAL VERMA**

Present: Mr. SK Daaria, Advocate for the petitioner

Mr. RTPS Tulsi, Advocate for Railways

SURYA KANT, J. (Oral)

(1) This writ petition assails the order dated 17.07.2015 passed by Central Administrative Tribunal, Chandigarh Bench, Chandigarh (in short, 'the Tribunal') whereby petitioner's claim for appointment under "Liberalised Active Retirement Scheme for Guaranteed Employment for Safety Staff" (LARSGESS) in place of his father who has since retired from Railway' has been turned down on the ground that the very constitutionality of the Scheme was *sub judice* before this Court in CWP No.5462 of 2014. It is not in dispute that the above-stated writ petition has since been disposed of. That apart similar issue was considered by this Court in **CWP No.7714 of 2016 (Kala Singh and others vs. Union of India and others)** decided on 27.04.2016 wherein this Court issued the following directions:-

"We have heard learned counsel for the petitioners and are of the view that the very foundation of their claim, namely, the Safety Related Retirement Scheme, prima facie, does not stand to the test of Articles 14 and 16 of the Constitution of India. This policy is a device evolved by the Railways to make back-door entries in public employment

and brazenly militates against equality in public employment.

Since we have not called upon the Railways at this stage, suffice it would be to dismiss this writ petition with a direction to the Railway Authorities that hitherto before making any appointment under the offending policy, let its validity and sustainability be revisited keeping in view the principles of equal opportunity and elimination of monopoly in holding public employment.”

(2) Learned counsel for the Railways informs that after the above reproduced directions were issued by this Court, the matter is under active consideration of the Railway Board though no final decision has been taken.

(3) In this view of the matter, the writ petition is disposed of with a clarificatory direction that in case the competent authority decides to introduce/re-introduce the Scheme with or without any modification, let the claim/request of the petitioner be re-considered within three months from the date such request is made.

(Surya Kant)
Judge

22.05.2017
vishal shonkar

(Hari Pal Verma)
Judge

1. Whether speaking/reasoned?
2. Whether reportable?

Yes
No