

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.2761 of 2017.

Date of Decision: February 15, 2017

Vinay Kumar

.....Petitioner

versus

Central Administrative Tribunal, Chandigarh Bench and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.

HON'BLE MR.JUSTICE SUDIP AHLUWALIA.

Present: Mr.Sandeep Arora, Advocate, for the petitioner.

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Surya Kant, J. (Oral)

The instant writ petition challenges the order dated 14.07.2014 vide which the Central Administrative Tribunal, Chandigarh Bench, has dismissed the Original Application filed by the petitioner, seeking a direction for his appointment in Indian Railways under the 'Liberalized Active Retirement Scheme for Guaranteed Employment for Safety Staff (LARSGESS). The above-stated Scheme framed by the Railway Board permits some categories of railway employees to seek voluntary retirement between the age of 50 to 57 years and in lieu thereof, one of their ward is given employment.

Without expressing any views on the propriety or legality of the Scheme, suffice it to mention that father of the petitioner is said to have applied for voluntary retirement in the year 2010 when he was 56 years old. Ferozepur Division of Railways notified a list of employees who adopted for voluntary retirement under LARSGESS Scheme and name of petitioner's father also figured in that list. The fact of the matter is that the Prescribed

that time father of the petitioner admittedly had crossed the maximum age limit of 57 years. On this premise, the petitioner's father was found ineligible to seek voluntary retirement under the LARSGESS Scheme. Consequently, claim of the petitioner for appointment in place of his father was rejected.

The contention raised before the Tribunal was that the eligibility must have been seen on the date when his father applied for voluntary retirement. Such a plea has rightly been rejected by the Tribunal as the date of consideration of the application, as per the Scheme, would be the relevant date to determine the eligibility.

No case to interfere with the order under challenge is made out.

Dismissed.

[SURYA KANT]
JUDGE

February 15, 2017
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[SUDIP AHLUWALIA]
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No