

RA-CW-330-2017 in
CWP-7714-2016

Kala Singh & Ors.
Versus
UOI & Ors.

Present: Mr. Puneet Jindal, Senior Advocate with
Ms. Sakshi, Advocate for the review applicant

This application has been moved by Railways seeking recall/review of the order dated 27.04.2016 wherein this Court made some *prima facie* adverse comments on the validity, legality and propriety of “*Liberalised Active Retirement Scheme for Guaranteed Employment for Safety Staff*” (LARSGESS), 2010” and directed the Railway authorities to re-visit the said policy keeping in view the principles of equal opportunity and elimination of monopoly in public employment before making further appointments thereunder.

It is pertinent to mention that under the said policy, Railway employees employed as safety staff are entitled to seek voluntary retirement and seek appointment of their wards as per their eligibility. This Court found that such a policy was *prima facie* violative of Article 14&16 of the Constitution of India. Hence, the necessary directions were issued.

We have heard learned senior counsel for the Railways at a considerable length. It is true that no notice was issued and the Railway Authorities were not heard while making *prima facie* observations but fact of the matter is that the only direction issued by this Court was to re-visit the offending policy keeping in view the principle of equal opportunity in public employment before further appointments are made. Such a direction was necessitated keeping in view the mandate of the Constitution Bench in *Secretary, State of Karnataka & Ors. vs. Uma Devi (2006) 4 SCC 1*.

No case to review/recall the order dated 27.04.2016 is made out.

Dismissed.

(Surya Kant)
Judge

14.07.2017
vishal shonkar

(A.B. Chaudhari)
Judge