

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.243 of 2018

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Lalan, aged about 70 years, S/o Late Gulab, Trackman under Senior Section Engineer (P.Way), East Central Railway, Jahanabad, under Danapur Division, Resident of Gularbagh Railway Colony, Post- Gulzarbagh, District- Patna, Bihar.

.... Petitioner/s

Versus

1. The Union of India, through General Manager, East Central Railway, Hajipur, District- Vaishali, Bihar.
2. The General Manager (Personal), East Central Railway, Hajipur, District- Vaishali.
3. The Divisional Railway Manager, East Central Railway, Danapur, PO- Khagaul, District- Patna.
4. The Senior Divisional Personnel Officer, East Central Railway, PO- Khagaul, District- Patna.
5. The Senior Divisional Engineer (Co-Ordination), East Central Railway, Danapur, PO- Khagaul, District- Patna.
6. The Senior Section Engineer (P.Way), East Central Railway, Jahanabad.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Yashraj Bardhan, Adv.

For the Respondent/s : Mr. Anil Kumar Sinha, Adv.

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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: 15-01-2018

Heard counsel for the petitioner and counsel for the railways.

O.A. No. 688 of 2014 was dismissed by the Central Administrative Tribunal, Patna Bench Patna vide its order dated 03.08.2017. The Tribunal refused to give any direction for



appointment of the ward of the present petitioner under what is known as LARSGESS Scheme, because he failed to fulfill the requirements in terms of the scheme. The petitioner did not have minimum 20 years of qualifying service, in addition to that it is also taken note that the petitioner has already superannuated in normal course of service w.e.f. 01.05.2013.

Since the benefit of the scheme can be derived totally within the parameters of the scheme and this was not a method for providing compassionate appointment but was with the object of providing replacement to the old and tired work force especially related to safety within the railways, the petitioner does not have a fundamental right to plead and pray for such appointment as a matter of course.

The Tribunal having taken note of these facts has rightly dismissed the O.A. No relief can be extended.

Writ is dismissed.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

Devendra/Arjun

AFR/NAFR	NAFR
CAV DATE	NA
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