

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18134 of 2017

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Balmiki Pandey, son of Late Ishwar Dayal Pandey, resident of Village-Bindaaul, P.S. Bihta, District Patna.

... .. Petitioner/s

Versus

1. The Union of India, through the Chairman, East Central Railway Department, Government of India.
2. Secretary, Chief Personnel Officer, Hajipur Zone.
3. Divisional Manager Rail, Danapur.
4. Senior Division Personnel Officer (Recruitment), Hajipur.
5. Office of the Assistant Engineer, Danapur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar, Advocate
For the Respondent/s : Mrs. Kalpana, Advocate

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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 : 08-02-2018

Heard counsel for the petitioner and the counsel for the Railways.

Even though the Central Administrative Tribunal dismissed the OA vide order dated 24.07.2017 because of proper pleading, evidence and material coupled with lack of any specific prayer thereto, but in the interest of justice, the Court directed the railway authorities to file a detailed counter affidavit only to examine whether there has been no element of arbitrariness or violation of Article 14 and 16 of the Constitution.



The issue related to a special scheme known as LARSGESS which was a window of opening to the employees attached with the safety of the Railway to be given an opportunity to retire and offer employment of one of their offsprings.

The detailed counter affidavit of the Railways indicates that the petitioner did not fulfil the requirements in terms of length of service as well as age between which an employee could be allowed to retire making way for one of his wards.

Even though a rejoinder application has been served and filed, these basic aspects have not been addressed. Since the scheme was for a limited period, the last cut-off-date in this regard was 01.07.2013 and it is not an ongoing scheme, therefore, no relief beyond the ambit of the scheme can be given to a claimant, that too when there is no rebuttal with regard to the reasons for rejection of his claim.

Writ application has no merit. It is dismissed.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

Rajesh/-

AFR/NAFR	NAFR
CAV DATE	NA
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Transmission Date	NA

