

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2018

CORAM

THE HON'BLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.2289 of 2018 and
W.M.P.Nos.2798 and 2799 of 2018

1.K.Angamuthu
2.A.Govindaraju

... Petitioners

-vs-

1.The Registrar,
Central Administrative Tribunal
Chennai-600 104.
2.Union of India
rep.by Secretary to Government of India,
Chairman / Railway Board,
Ministry of Railways, New Delhi.
3.The Railway Board
rep.by its Secretary, New Delhi.
4.The Divisional Personnel Officer,
Southern Railway,
Salem-636 005.

... Respondents

Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus calling for the records relating to the orders of the first respondent in (i) R.A. No. 49/2015 in O.A.No.1134/2011 dated 06.04.2016 and (ii) O.A.No.1134/2011 dated 18.03.2014 confirming the orders in (i) No.E.(P&A)-I-2010-RT-2 (RBE No.131/2010) dated 11.09.2010 and (ii) No.S.A./P.136/Co-ord./ Liberalized Active Retirement Scheme for Guaranteed Employment for Safety Staff / LARSGESS/ 2011 dated 15.06.2011 of the second and fourth respondents respectively, to quash the same and to issue consequential directions to the respondents 2 to 4 to grant relaxation to the limited extent of prescribing the age limit from 52 to 57 for applicability of the Liberalized Active Retirement Scheme for Guaranteed Employment for Safety Staff (LARSGESS) in so far as the petitioners are concerned and appoint the second petitioner in a suitable ward category post based on his eligibility.

For Petitioners :: Mr.M.Ravi

For Respondents :: Mr.P.T.Ramkumar for R2 to R4

ORDER

(Made by HULUVADI G.RAMESH, J.)

The prayer made in the present writ petition is for issuance of a Writ of Certiorarified Mandamus calling for the records relating to the orders of the first respondent in (i) R.A. No. 49/2015 in O.A.No.1134/2011 dated 06.04.2016 and (ii) O.A.No.1134/2011 dated 18.03.2014 confirming the orders in (i) No.E.(P&A)-I-2010-RT-2 (RBE No.131/2010) dated 11.09.2010 and (ii) No.S.A./P.136/Co-ord./ Liberalized Active Retirement Scheme for Guaranteed Employment for Safety Staff / LARSGESS/ 2011 dated 15.06.2011 of the second and fourth respondents respectively, to quash the same and to issue consequential directions to the respondents 2 to 4 to grant relaxation to the limited extent of prescribing the age limit from 52 to 57 for applicability of the Liberalized Active Retirement Scheme for Guaranteed Employment for Safety Staff (LARSGESS) in so far as the petitioners are concerned and appoint the second petitioner in a suitable ward category post based on his eligibility.

2.Heard the learned counsel on either side and perused the materials available on record.

3.The prayer of the petitioners in this writ petition is not maintainable in view of the reasoning given in paragraph-5 of the order passed by a Division Bench of this Court in W.P.Nos.27691 to 27695 of 2013 and 27041 and 27042 of 2013 dated 21.11.2013, which has been passed under similar circumstances. Paragraphs-5 and 6 of the said order is extracted hereunder:

"5.From the above facts, it is evident that even after attainment of 57 years, the petitioners have not chosen to go on Voluntary Retirement and pursue the claim of appointment to their wards and they have served till the age of 60 years and earned full salary and other benefits and few of them are still in service earning salary and therefore, they are found to be hale and healthy. The petitioners, having continuously served in the Railways beyond 57 years cannot claim that their wards should be given appointment at the later stage. The Central Administrative Tribunal has rightly dismissed the original applications.

6.We are not in a position to interfere with the order of the Tribunal and accordingly, these writ

petitions are dismissed. No costs. Consequently, connected miscellaneous petitions are dismissed. "

4.In view of the above, we are not in a position to interfere with the impugned order passed by the Tribunal and the writ petitions are dismissed on the same terms. No costs. Consequently the connected miscellaneous petitions are also dismissed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

KM

To

- 1.The Registrar,
Central Administrative Tribunal
Chennai-600 104.
- 2.The Secretary to Government,
Government of India,
Chairman / Railway Board,
Ministry of Railways, New Delhi.
- 3.The Secretary, Railway Board
New Delhi.
- 4.The Divisional Personnel Officer,
Southern Railway,
Salem-636 005.

+1cc to Mr.P.T.Ramkumar, Advocate sr.no.37058

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of 2018

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nr 29/06/2018