

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP No. 16670 of 2016 (O&M)

Date of decision : 28.2.2018

Kuldeep Kumar

.. Petitioner

versus

Union of India and others

.. Respondents

**Coram: Hon'ble Mr. Justice Rajesh Bindal
Hon'ble Mr. Justice B. S. Walia**

Present: Mr. K. B. Sharma, Advocate for
Mr. D. R. Sharma, Advocate, for the petitioner.

Mr. Karminder Singh, Advocate, for respondent nos. 1 and 2.

Rajesh Bindal, J.

Aggrieved against the order passed by the learned Central Administrative Tribunal, Chandigarh Bench, Chandigarh (for short, 'the Tribunal'), whereby the application filed by the petitioner seeking employment in terms of Safety Related Retirement Scheme, was dismissed, finding that the applicant was not Matriculate on the cut off date i.e. 1.7.2011.

Learned counsel for the Railways submitted that the aforesaid policy was subject matter of consideration in CWP No. 7714 of 2016 Kala Singh and others vs Union of India and others, decided on 27.4.2016, where order passed by the Tribunal declining employment under the aforesaid scheme was under challenge. It was directed therein that the Railway Authorities before making any appointment under the scheme will examine its validity and sustainability keeping in view the principles of equal

opportunity and elimination of monopoly in holding public employment. Review Application bearing RA-CW No. 330 of 2017 in the aforesaid writ petition was dismissed on 14.7.2017. It was further submitted that the Special Leave Petition (Civil) No. 37460 of 2017 Union of India and others vs Kala Singh and others was also dismissed on 8.1.2018 by Hon'ble the Supreme Court with the observations that the petitioners therein may take a conscious decision within a period of six weeks.

As the position stand today, the scheme cannot be given effect unless it is re-visited by the Railway Authorities keeping in view the parameters of equal opportunity and elimination of monopoly in holding public employment under the State. The scheme has already been put on hold. Hence, the Tribunal has rightly rejected the prayer of the petitioner. The writ petition is accordingly dismissed.

(Rajesh Bindal)
Judge

28.2.2018
vs

(B. S. Walia)
Judge

Whether speaking/ reasoned

Yes/No

Whether Reportable

Yes/No