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Punjab & Haryana High Court at Chandigarh

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 21329 of 2016 (O&M)

Date of decision : 28.2.2018

Union of India .. Petitioner

versus

Sukroo and another .. Respondents

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

Present: Mr. Puneet Jindal, Senior Advocate with
Ms. Priyanka Rana, Advocate, for the petitioner.

Mr. K. B. Sharma, Advocate for
Mr. D. R. Sharma, Advocate, for respondent no. 1.

Rajesh Bindal, J.

Aggrieved against the order passed by the learned Central Administrative Tribunal, Chandigarh Bench, Chandigarh (for short, 'the Tribunal'), dated 8.2.2016 whereby the application filed by respondent no.1 seeking employment for his son in terms of policy titled as Safety Related Retirement Scheme floated by the Railways, was allowed and order dated 11.4.2016, whereby the Review Application filed by the petitioner was dismissed.

Learned counsel for the petitioner 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

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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 direction having been given by the Tribunal in terms of the Scheme, which has already been put on hold, as such cannot be upheld. Hence, the orders passed by the Tribunal are set aside. The writ petition is allowed and the Original Application filed by respondent no. 1 is dismissed.

(Rajesh Bindal)
Judge

28.2.2018 (B. S. Walia)
vs Judge

Whether speaking/ reasoned Yes/No
Whether Reportable Yes/No