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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 1146/2019 & CM APPL. 5194/2019 (stay)

SHIV PRASAD AND ANR. Petitioners

Through: Mr. A.K. Trivedi, Advocate.

versus

UNION OF INDIA AND ANR. Respondents

Through: Mr. J.K. Singh, Standing Counsel for
Railways with Mr. Harsh Pandit,
Advocate.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MR. JUSTICE A. K. CHAWLA

ORDER

% **04.02.2019**

Issue notice.

Mr. Singh, learned Standing Counsel for Railways accepts notice on behalf of respondents.

The petitioner No.1 and 2 are the father and the son. Under the LARSGESS Scheme (Liberalized Active Retirement Scheme for Guaranteed Employee for Safety Staff), the petitioner No.1 was allowed to seek voluntary retirement and petitioner No.2 was appointed in his place on 19.06.2013. Petitioner No.2 was sought to be terminated on 27.11.2013 i.e. after a period of about five months on the ground that the said Scheme was not applicable to the petitioners. The petitioners then preferred the Original Application No.4265/2013 before Central Administrative Tribunal, Principal Bench, New Delhi wherein an interim order was passed in their favour, and

which continued to operate till passing of the order in the aforesaid Original Application i.e. till 19.11.2018. Thus, the petitioner No.2 continued to serve continuously from 19.06.2013 onwards till the Original Application was disposed of on 19.11.2018.

We have, in similar circumstances, while dismissing the writ petition protected the services of the son on account of the fact that he had been employed, and had been serving for several years, in '*Mewa Lal Pal and Anr. vs. Union of India and Anr.*', W.P.(C) 10279/2017, decided on 25.01.2019.

We dispose of the present writ petition on the same terms. We direct that in the light of the aforesaid, the respondents shall examine the claim of petitioner No.1 for release of his pension. The orders in this regard shall be passed within four weeks from today.

VIPIN SANGHI, J

A. K. CHAWLA, J

FEBRUARY 04, 2019

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