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

+ **W.P.(C) 2196/2019**

SH. KISHORI LAL Petitioner
Through: **Mr.Nitin Khanna, Advocate**

versus

UNION OF INDIA AND ORS. Respondent
Through: **Mr.Jagjit Singh, Sr. Standing Counsel for
Railways and Mr.Vipin Chaudhary, Adv**

CORAM:
HON'BLE MR. JUSTICE VIPIN SANGHI
HON'BLE MR. JUSTICE A. K. CHAWLA

ORDER
% **06.03.2019**

CM APPL. 10295/2019

Exemption is allowed, subject to all just exceptions.

Application stands disposed of

W.P.(C) 2196/2019 & CM APPL. 10294/2019

By the present petition, the petitioner assails the order dated 29.1.2019 passed by the Central Administrative Tribunal in OA No.301/2019, dismissing the Original Application preferred by the petitioner. In the said Original Application, the petitioner had sought relief that he should be allowed to retire under the Liberalised Active Retirement Scheme For Guaranteed Employees for Safety Staff (LARGESS) and that in its place his son should be considered for appointment under the said Scheme. The Tribunal has taken note of the fact that the said LARGESS

Scheme has been found to be unconstitutional by the Punjab & Haryana High Court in its judgment dated 27.4.2016 passed in CWP No.7714/2016 [*Kala Singh n dOrs. Vs. Union of India & Ors*]. The Special Leave Petition [SLP(C)No.4482/2017] preferred against the said judgment has also been rejected by the Supreme Court vide its order dated 6.3.2017. In similar matter, Special Leave Petition [SLP(C)No.508/2018] preferred against the order of dismissal, was also rejected by the Supreme Court on 8.1.2018.

The submission of the petitioner is that the Railways have issued a communication on 28.09.2018, which states that the LARGESS Scheme continues to be on hold till 27.10.2017 on account of various Court cases and in case where the staff has already retired under the said Scheme before 27.10.2017 appointment of the wards of the staff may be made with the approval of the Competent Authority.

We do not find any merit in the present petition. The petitioner is seeking to enforce the said LARGESS Scheme which has already been struck down by the Punjab & Haryana High Court. Moreover, the petitioner's case in any event does not get covered by the communication dated 28.9.2018, since the petitioner was never allowed to retire under the said LARGESS Scheme. The petition and the application are accordingly, dismissed.

VIPIN SANGHI, J

A. K. CHAWLA, J

MARCH 06, 2019 ssn