

\$~55.

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

+ **W.P.(C) 5204/2019**

LATE SH. CHANDER BHAN

..... Petitioner

Through: Mr. A.K. Bhardwaj, Adv.

versus

NORTHERN RAILWAY

..... Respondent

Through: Mr. Jagjit Singh with Mr. Preet Singh,
Advs.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

14.05.2019

%

C.M. No. 23031/2019

Exemption allowed, subject to all just exceptions. The application stands disposed of.

W.P.(C) 5204/2019

The petitioner assails the order dated 22.02.2019, passed by the Central Administrative Tribunal, Principal Bench, New Delhi (the Tribunal) in O.A. No. 3496/2017. The petitioner – Chander Bhan had preferred the original application to seek enforcement of the Liberalized Active Retirement Scheme for Guaranteed Employment for Safety Staff (LARSGESS) scheme. The said Scheme has been held to be arbitrary and

discriminatory by the Punjab and Haryana High Court in W.P. (C.) No. 7714/2016, *Kala Singh & Ors. v. Union of India & Ors*, decided on 27.04.2016. The special leave petition being SLP(C) No. 4482/2017 preferred against the said decision has also been dismissed on 06.03.2017. Another Special Leave Petition i.e SLP(C) No. 508/2018 has also been rejected by the Supreme Court on 08.01.2018.

This court has rejected several other writ petitions, wherein the claim was premised on the said LARSGESS scheme, including W.P. (C.) No. 2196/2019, *Sh. Kishori Lal v. Union of India & Ors.*, decided on 06.03.2019.

Thus, on merits there is no case made out by the petitioner. The submission of the petitioner is that when the Original Application was decided, the original applicant Chander Bhan had passed away and his legal heirs have not been brought on record. In our view, the said submission is hyper technical. Pertinently, counsels represented the parties. Merely because the Tribunal may not have passed formal orders on the substitution application to bring on record the legal heirs does not call for interference with the impugned order.

Dismissed.

VIPIN SANGHI, J

REKHA PALLI, J

MAY 14, 2019

N.Khanna