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

+ **W.P.(C) 6704/2013 & CM Appl.No. 15829/2013**

UNION OF INDIA & ORS Petitioners

Through: Ms.Geetanjali Mohan, Advocate.

versus

AMAR SINGH AND OTHERS Respondents

Through: Mr.Parveen Kumar, Advocate.

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE TALWANT SINGH

ORDER

% **26.11.2019**

1. During the pendency of the present petition, the Punjab and Haryana High Court delivered a judgment dated 27th April, 2016 in CWP No. 7714/2016 holding that the Safety Related Retirement Scheme, 2004 (later renamed as “Liberalized Active Retirement Scheme for Guaranteed Employment for Safety Staff, 2010 (LARSGESS)” was against the very ethos of the judgment of the Supreme Court in *State of Karnataka v. Uma Devi (2006) 4 SCC 1* required to revisited , directing that “before making any appointment under the offending policy, let its validity and sustainability be revisited keeping in view the principles of equal opportunity and elimination of monopoly in holding public employment”

2. Thereafter in its judgment dated 14th July 2017 in Review Petition RA-CW-330-2017 in CWP No. 7714 of 2016, the High Court of Punjab and Haryana reiterated its earlier direction and stated “such a direction was necessitated

keeping in view the mandate of the Constitution Bench in *State of Karnataka v. Uma Devi (2006) 4 SCC 1.*”

3. SLP (C) No. 508/2018 filed against the above judgment of the High Court of Punjab & Haryana was dismissed by the Supreme Court of India by order dated 8th January 2018.

4. Consistent with the above directions of the High Court of Punjab and Haryana, as affirmed by the Supreme Court, the Railway Board by a communication dated 26th September, 2018 announced as under:

“In compliance with the above directions, Ministry of Railways have revisited the scheme duly obtaining legal opinion and consulted Ministry of law and Justice. Accordingly, it has been decided to terminate the LARSGESS Scheme w.e.f. 27.10.2017 i.e. the date from which it was put on hold. No further appointments should be made under the scheme except in cases where employees have already retired under the LARSGESS Scheme before 27.10.2017 though they had successfully completed the entire process and were found medically fit. All such appointments should be made with the approval of the competent authority.”

5. In view of the above development, the directions issued by the Central Administrative Tribunal in its impugned order dated 17th July, 2013 in O.A.No. 3971/2012 are no longer required to be complied with.

6. The cases of the Respondents herein will now be individually examined by the Petitioners on the facts peculiar to each case in accordance with above

directive dated 26th September, 2018. Each of the Respondents shall be communicated the decision of the Petitioners not later than 12 weeks from today. If any of them is aggrieved by such decision, it will be open to them to seek appropriate remedies in accordance with law.

7. The petition is disposed of in the above terms. The pending application is also disposed of.

8. Copy of the order be given *dasti*, under the signature of the Court Master.

S. MURALIDHAR, J.

TALWANT SINGH, J.

NOVEMBER 26, 2019

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