

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

AND

THE HON'BLE SRI JUSTICE NAMAVARAPU RAJESHWAR RAO

Writ Petition No.7178 & 7895 of 2014

COMMON ORDER : *(Per Hon'ble Justice Abhinand Kumar Shavili)*

Since the issue raised in these writ petitions are one and the same, they are being disposed of by this common order.

2. For the sake of convenience, the facts in writ petition no.7178 of 2014 are discussed hereunder.

3. Writ Petition No.7178 of 2014 is filed by the petitioners under Article 226 of the Constitution of India seeking a *Writ of Certiorari*, (1) to quash the order passed by the learned Central Administrative Tribunal, Hyderabad Bench, Hyderabad in O.A.No.53 of 2013, dated 08.11.2013 insofar as directing to provide second chance to the petitioners for the selection as it is irrational and arbitrary, (2) directing the respondent to finalize the selection for LARSGESS without the requirement of PET in respect of the applicants for the purpose of recruitment to Group-D posts, and (3) directing to provide appointment on the

basis of the written examination conducted for selection for LARSGESS, 2010.

4. Heard learned counsel for the petitioners and the learned Standing Counsel for the Central Government, for the Railways, for the respondent Nos.1 to 5.

5. Learned counsel for the petitioners contended that petitioners have filed Writ Petition No.7178 of 2014 seeking a direction to set aside the order passed by the learned Central Administrative Tribunal, Hyderabad Bench, Hyderabad in Original Application No.53 of 2013, dated 08.11.2013, wherein the petitioners sought a direction to the respondents to recruit them in Railways in LARSGESS, 2010 Scheme by providing them a second opportunity to participate in the PET test; the learned Tribunal vide order dated 08.11.2013 was pleased to dispose of O.A.No.53 of 2013 directing the respondents to consider the cases of petitioners by providing them a second opportunity for selection by taking into account the instructions of Railway Board vide letters dated 03.01.2012 and 17.05.2012.

6. Learned counsel for the petitioners further contended that the learned Tribunal ought to have directed the

respondents to recruit the petitioners under LARSGESS, 2010 Scheme without subjecting them to PET examination; and aggrieved by the orders passed in O.A.No.1361 of 2013, dated 13.11.2013, the Railways filed Writ Petition No.7895 of 2014, wherein a similar direction was given by the Tribunal directing the Railways to consider the request of the applicants therein by giving second chance for taking up PET examination in terms of the Railway Board's letters dated 03.01.2012 and 17.05.2012.

7. Learned Standing Counsel for the Central Government, appearing for the Railways, has brought to the notice of this Court the judgment of the Hon'ble Apex Court in Writ Petition (Civil) No.1407 of 2019, dated 28.01.2021, wherein it was brought to the notice of the Hon'ble Apex Court that the LARSGESS Scheme was withdrawn and the Hon'ble Apex Court has therefore dismissed Writ Petition (Civil) No.1407 of 2019 by order dated 28.01.2021 as the LARSGESS Scheme itself was withdrawn by the Railways; therefore, the question of giving a direction to Railways to consider the cases of petitioners for employment in LARSGESS Scheme would

not arise; therefore, there are no merits in the Writ Petitions and the same are liable to be dismissed.

8. This Court, having considered the rival submissions made by the parties, is of the considered view that since the LARSGESS Scheme itself was withdrawn by the Railways, the Hon'ble Apex Court dismissed the Writ Petition (Civil) No.1407 of 2019 by order dated 28.01.2021, hence the question of considering the cases of petitioners for employment in LARSGESS Scheme now would not arise.

9. Both the Writ Petitions are disposed of with the above observations. No costs.

10. As a sequel, miscellaneous applications pending if any in this Writ Petition, shall stand closed.

ABHINAND KUMAR SHAVILI, J

NAMAVARAPU RAJESHWAR RAO, J

Date : 11.10.2022
Ndr / Tmk