

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 21570 of 2022
Date of decision: 19.09.2022

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Dhani Ram

....Petitioner(s)

Versus

UOI and others

....Respondent(s)

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA
HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Sandeep Singal, Advocate,
for the petitioner.

G.S.SANDHAWALIA, J. (Oral)

Challenge in the present writ petition is to the order dated 03.12.2021 passed by the Central Administrative Tribunal, Chandigarh Bench (Annexure P-1) whereby O.A. No. 744 of 2021 was dismissed on the ground that the judgment of the Apex Court had come in the case of ***Manjit and others vs. UOI and others, AIR 2021 SC 944*** that all claims based on the Liberalized Active Retirement Scheme for Guaranteed Employment for Safety Staff (LARSGESS Scheme) have to be closed and there is no vested right nor any legitimate expectation under such a scheme.

Counsel for the petitioner has vehemently argued that on an earlier occasion, the Apex Court had passed an order dated 26.03.2019 in ***Writ Petition (C) No. 219 of 2019, Narinder Siraswal vs. UOI*** whereby, liberty had been given to the petitioners to approach the concerned authorities with appropriate representation. Thus, it is submitted that the same relief should have been granted as such.

In *Manjit's case (supra)*, it was noticed that the Union of India

had taken a decision on 05.03.2019 to terminate the scheme and the earlier

order passed in *Narinder Siraswal's case (supra)* had also been noticed where directions had been issued to approach the authorities by filing a representation. The principle which has been laid down by the Apex Court is that the scheme which provided for an avenue of a back door entry into the service of the Railways would be fundamentally at odds with Article 16 of the Constitution and there is neither a vested right nor a legitimate expectation under such a scheme and all claims based on the scheme are supposed to be closed.

The petitioner, before the Tribunal, had challenged the order dated 16.03.2021 (Annexure P-10) wherein, while placing reliance upon the order in *Manjit Singh's case (supra)*, it was noticed that all claims based on the scheme have to be closed and, therefore, the representation had been rejected.

Thus, keeping in view the above, we do not find any illegality as such in the order of the Tribunal dismissing the original application since it is settled principle that the order of the Apex Court is binding on all the Courts in the country.

Accordingly, the present writ petition stands dismissed in *limine*.

(G.S. SANDHAWALIA)
JUDGE

19.09.2022
shivani

(JAGMOHAN BANSAL)
JUDGE

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No