



W.P.No.28905 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.10.2024

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CORAM :

**THE HONOURABLE DR.JUSTICE ANITA SUMANTH
and
THE HONOURABLE MR.JUSTICE G. ARUL MURUGAN**

W.P.No.28905 of 2024

C.Rajendran

... Petitioner

VS

1.Union of India
Rep. by is General Manager
Southern Railway
Park Town, Chennai.

2.The Senior Divisional personnel Officer
Salem Division
Southern Railway, Salem.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying to issue a writ of Certiorarified Mandamus to call for the records relating to the Impugned Order in O.A.No.350 of 2022 dated 02.04.2024 passed by the Central Administrative Tribunal quash the same and further direct the Respondents to appoint the son of the petitioner under LARSGES Scheme were the petitioner's son is found to fit and eligible for the consequential post of Track Maintainer.



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For Petitioner : Mr.V.V.Sathya

For Respondents: Ms.D.Reshma
for Dr.D.Simon,
Central Government Standing Counsel

ORDER

(Order of the Court was made by Dr.ANITA SUMANTH.,J)

The petitioner had assailed order dated 30.04.2021 conveying that the representation of the petitioner for appointment under the LARGESS Scheme was under scrutiny and consideration before the Central Administrative Tribunal (CAT/Tribunal).

2. We may note straight away that order dated 30.04.2021, is bad in law in light of the authoritative pronouncement of the Supreme Court in the case of *Manjit and others v. Union of India and another*¹.

3.The challenge in the case of *Manjith & others* related to the Liberalized Active Retirement Scheme for Guaranteed Employment for Safety (LARSGESS) Scheme (in short, 'Scheme'). The Scheme had been formulated for providing entry into service for wards of serving employees. The Supreme Court noted that the Scheme enabled the wards to be brought on board without undergoing competitive selection.

4. The Scheme was hence quashed, as being contrary to the requirements of Articles 14 and 16 of the Constitution of India and a

¹ AIR 2021 SC 944



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mode of entry through the back door.

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5.It appears that based on the aforesaid judgment, the pleas of other applicants for absorption under the Scheme have also been rejected by the CAT.

6.In fact, in light of this judgment, the order of the 2nd respondent to the effect that the application of the petitioner is under consideration is itself wholly illegal as that order is dated 30.04.2021 whereas the judgment in the case of *Manjit & Others* is dated 29.01.2021.

7.In fine, we see no merit in this writ petition and the same is dismissed. No costs.

[A.S.M., J] [G.A.M., J]
03.10.2024

Index:Yes/No
Speaking order
Neutral Citation:Yes
vs

To

- 1.The General Manager,
Southern Railway,
Park Town, Chennai.
- 2.The Senior Divisional personnel Officer,
Salem Division,
Southern Railway, Salem.



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and
G. ARUL MURUGAN.,J

VS

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