

11.12.2025
Item Nos.78 to 81
Ct. No. 1
KS

WP.CT 260 of 2023
Shri Shakti Prasad Mahato @ Sakti Mahato & Anr.
Vs.
Union of India & Ors.
With
WP.CT 264 of 2023
Shri Parmeshwar Yadav & Anr.
Vs.
Union of India & Ors.
With
WP.CT 265 of 2023
Shri Sarjoo Yadav & Anr.
Vs.
Union of India & Ors.
With
WP.CT 266 of 2023
Smt. Virji Devi & Ors.
Vs.
Union of India & Ors.

Mr. Biswajit Hazra
Mr. Archisman Sain

.....For the Petitioners

Mr. Subrata Santra

.....For the Union of India

PER, SUJOY PAUL, ACJ.:

1. Parties are represented through their respective

learned counsels.
2. Regard being had to the similitude of the

questions involved, on the joint request of the

parties, these matters are analogously heard

and decided by this common judgment.

3. The challenge in these appeals is mounted to the order of the Central Administrative Tribunal passed in O.A. No.350/01625/2019 decided on 28.08.2023 and other similar orders impugned herein.
4. The singular point involved in this case is whether the petitioners are entitled to get a right of consideration and benefits arising out of a LARSGESS Scheme. Admittedly, the said Scheme stood withdrawn with effect from 27th October, 2017.
5. The contention of petitioners is that Tribunal erred in dismissing their original applications without considering the fact that applications were preferred when the said Scheme was in vogue.
6. Learned counsel for the respondents supported the impugned order and placed reliance on a judgment of Hon'ble Supreme Court in the case of *Manjit & Ors. Vs. Union of India & Anr.* in *W.P. (Civil) No.78 of 2021* decided by a Three Judges Bench of Hon'ble Supreme Court on

January 29, 2021. In the light of this, it is urged that no right of consideration accrued in favour of the petitioners and no relief can be extended when the basic Scheme stood cancelled.

7. We have heard the parties at length.

8. The Apex Court in *Manjit & Ors.* held as:-

“The reliefs which have been sought in the present case, as already noted earlier, are for a writ of mandamus to the Union of India to appoint the petitioners in their respective cadres. A conscious decision has been taken by the Union of India to terminate the Scheme. This has been noticed in the order of this Court dated 6 March 2019, which has been extracted above. While taking this decision on 5 March 2019, the Union of India had stated that where wards had completed all formalities prior to 27 October 2017 (the date of termination of the Scheme) and were found fit, since the matter was pending consideration before this Court, further instructions would be issued in accordance with the directions of this Court. Noticing the above decision, this Court, in its order dated 6 March 2019, specifically observed that since the Scheme stands terminated and is no longer in existence, nothing further need be done in the matter. The Scheme provided for an avenue of a back door entry into the service of the railways. This would be fundamentally at odds with Article 16 of the Constitution. The Union government has with justification discontinued the scheme. The petitioners can claim neither a vested right nor a legitimate expectation under such a Scheme. All claims based on the Scheme must now be closed.”

9. A plain reading of the above paragraph makes

it clear that the Apex Court opined that said

Scheme was unconstitutional and provided a

backdoor entry into service of Railways. This Scheme runs contrary to Article 16 of the Constitution of India. Thus, any relief granted will be contrary to Article 16 of the Constitution of India and the judgment of Hon'ble Supreme Court.

10. In view of said binding judgment of Hon'ble Supreme Court, no relief can be extended in favour of the petitioners for a Scheme, which stood cancelled.

11. Accordingly, petitions are misconceived and are hereby dismissed.

12. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

(SUJOY PAUL, ACJ.)

(PARTHA SARATHI SEN, J.)