



2025:DHC:6684-DB



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

Date of decision: 07.08.2025

+ W.P.(C) 11232/2022
ROSHAN LAL SAINIPetitioner

Through: Ms.Gunjan Sinha Jain and
Ms.Meetu, Advs.

versus

UNION OF INDIA AND ORSRespondents

Through: Mr.Sushil Raaja, SPC with
Mr.Prashant Rawat, GP and
Mr.Vicky Kumar and Mr.Kabir
Singh, Advs.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE MADHU JAIN

NAVIN CHAWLA, J. (ORAL)

1. This petition has been filed by the petitioner, challenging the Order dated 25.01.2019 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as the 'Tribunal') in O.A. No.270/2017, titled ***Kishori Lal Saini, Group-D & Anr. v. Union of India through the Secretary & Ors.***, whereby the learned Tribunal dismissed the O.A. filed by the petitioner herein.

2. The petitioner had filed the above O.A., praying for the following reliefs:

“a) Directing the respondents to place the relevant records pertaining to the present O.A. before their Lordships for the proper adjudication in the matter,



in the interest of justice.

(b) Quash and setting aside the impugned order dt.14.10.16 (Annexure A/1) issued by the respondent No.3 rejecting the claim of the applicant No.2 for appointment whereas the applicant is entitled for appointment under the provisions stipulated under safety related retirement scheme (LARSGESS) Scheme and thereafter;

(c) Directing the respondents to consider and finalize the case of the applicants pending in the shape of representation (Annexure A/9) in terms of the provisions stipulated under Liberalized Active Retirement Scheme for Guaranteed Employment for Safety Staff keeping in view services from 02.05.74 including the services rendered under Territorial Army for computing the qualifying service and make the appointment accordingly with all other consequently benefits and cost.

(d) Any other fit and proper relief may also be granted to the applicants.”

3. From the above prayers, it would be apparent that the petitioner was seeking appointment under the provisions of the Safety Related Retirement Scheme (LARSGESS) of the Indian Railways.

4. As far as the said Scheme is concerned, it was withdrawn by the Indian Railways *vide* letter dated 29.06.2018. The said letter has been reproduced by the learned Tribunal in its Impugned Order and, therefore, we refrain from reproducing the same herein.

5. The sole plea of the learned counsel for the petitioner is that the father of the petitioner had applied under the said Scheme on 01.09.2013, that is, much prior to its withdrawal. The said claim, however, was wrongly rejected by the respondents, leading to the filing of the above O.A. before the learned Tribunal.

6. The learned counsel for the petitioner submits that, therefore, the petitioner's claim must be adjudged on the basis of the Scheme as



it existed on the date of the application, and if found eligible thereunder, the petitioner ought to have been granted the appointment.

7. We are unable to accept the above submission of the learned counsel for the petitioner.

8. The Supreme Court, in its Judgment in **Manjit & Ors. v. Union of India & Anr.**, (2021) 14 SCC 48, has rejected a similar plea of an applicant therein by observing as under:

“6. 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. In view of the above, we find no infirmity in the Impugned Order passed by the learned Tribunal. The petition is, accordingly, dismissed.



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10. At this stage, the learned counsel for the petitioner submits that there are certain other claims of the father of the petitioner with respect to his grade pay and the date of his appointment. These issues are not to be determined in the present petition. In case there are any such claims, the petitioner shall be at liberty to seek appropriate remedies in accordance with law.

NAVIN CHAWLA, J

MADHU JAIN, J

AUGUST 7, 2025/ns/DG