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WP No.4849 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-03-2026

CORAM

**THE HONOURABLE MR JUSTICE P.VELMURUGAN
AND
THE HONOURABLE MRS.JUSTICE K.GOVINDARAJAN
THILAKAVADI**

**WP No.4849 of 2024
AND
WMP No.5293 of 2024**

1. Union of India
Rep by the General Manager
Southern Railway
Chennai 600 003
2. The Divisional Personnel Officer
Madurai Division
Southern Railway
Madurai 625 001

Petitioners

Vs

1. The Registrar
Central Administrative Tribunal
Madras Bench High Court Building
Chennai 600 104
2. K.Tiruppathi
Senior Colony Gangman, Kappalur
Madurai Division
Southern Railway 625 008

Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, calling for the records of the Hon'ble Tribunal in its impugned order dated 11.08.2022 in O.A.No.295 of 2020 passed by the 1st



Respondent, Hon'ble Central Administrative Tribunal, Madras Bench and quash the same.

For Petitioners: Mr.M.Karthikeyan

For Respondents: Mr.V.N.Arjun for
M/s K.Seshasayee for R2
R1 - Tribunal

ORDER

(Order of the Court was made by P.Velmurugan J.)

The Union of India represented by the General Manager, Southern Railway, Chennai and the Divisional Personnel Officer, Madurai Division of Southern Railway have filed the present writ petition challenging the impugned order dated 11.08.2022 passed by the Central Administrative Tribunal, Madras Bench, the first respondent herein in O.A.No.295 of 2020 granting the relief as prayed for by the second respondent herein.

2. The case of the second respondent before the first respondent Tribunal was that he was engaged in the Railways in the year 1981 and conferred with temporary status on 26.12.1981. Thereafter, he was regularised in the cadre of Gangman (now re-designated as Trackman). While the second respondent was working as Senior Trackman, in the year 2005, he was medically incapacitated to continue to discharge the duties of the said post and was utilised in the colony gang duties. Upon introduction of the Liberalized Active Retirement Scheme for Guaranteed Employment for Safety Staff (LARSGESS Scheme) for the



medically incapacitated employees, since the second respondent is eligible for compassionate appointment for his son under the said Scheme, he submitted an application in the prescribed format. But the same was rejected by the petitioners vide orders dated 22.08.2014 and 14.10.2015 respectively, stating that the second respondent was not eligible under the LARSGESS Scheme, since he served in a non safety category post. Aggrieved thereby, the second respondent filed O.A.No.842 of 2016 and the Tribunal disposed of the said application on 27.04.2016 directing the petitioners to consider the representation made by the second respondent after giving him due opportunity. However, his claim was rejected by the authority vide order dated 15.07.2016 reiterating the earlier reason. Therefore, the second respondent filed the above original application before the first respondent Tribunal seeking for the relief of quashing the impugned order No.U/P.353/OA 842/2016 dated 15.07.2016 and to further appoint the applicant's son either under LARSGESS or under the statutory instructions providing for voluntary retirement requested by the medically incapacitated railway employees. The Tribunal, considering the reply and after giving opportunity, allowed the original application and directed the petitioners to consider the case of the second respondent for grant of compassionate appointment to his son, by the order dated 11.08.2022. Aggrieved over the same, the petitioners have filed the present writ petition before this Court.



3. The learned counsel appearing on behalf of the petitioners would submit that since the second respondent was medically declared unfit to continue as a Senior Trackman and subsequently provided with an alternate employment as Colony Gangman (Chowkidar) vide order dated 17.11.2005, which is a non-safety post, he is not eligible under the LARSGESS Scheme to opt for voluntary retirement on medical decategorisation and seek for appointment on compassionate grounds to his son. The learned counsel also submitted that the second respondent accepted the alternate appointment and also retired from service on attaining the age of superannuation on 30.04.2020. The learned counsel also placed reliance upon the judgment of the Supreme Court in Civil Appeal No.294 of 2022 dated 25.01.2022 (The Chief Personnel Officer and others v. A.Nishanth George) dismissing the writ petitions filed by the respondents/employees therein seeking appointment under the LARSGESS Scheme, in support of his submissions. Moreover, on the verge of his retirement, the second respondent filed the original application before the Tribunal, which has been allowed by the impugned order. Therefore, he submitted that the impugned order is liable to be set aside.

4. Per contra, the learned counsel appearing on behalf of the second respondent, placing reliance upon the circular issued by the Railway Board in RBE No.78/2006 dated 14.06.2006, submitted that since the second respondent



fulfilled the conditions stipulated in paragraph 4(a) & (b) of the said circular, the second respondent is eligible to be considered under the LARSGESS Scheme and therefore the order of the Tribunal requires no interference.

5. We have considered the submissions made by the learned counsel on either side and perused the materials available on record.

6. It is not in dispute that while the second respondent was working as Senior Trackman in the year 2005, he was medically declared unfit to continue in the said post. Therefore, he was offered an alternate employment in the post of Colony Gangman (Chowkidar) vide order dated 17.11.2005, which is a non-safety category post, and he also accepted the offer and served in the said post till he attained the age of superannuation on 30.04.2020. Though the learned counsel for the second respondent contended that the claim of the second respondent for appointment on compassionate grounds to the ward/spouse of medically de-categorised staff ought to have been considered, in terms of the circular issued by the Railway Board in RBE No.78/2006 dated 14.06.2006, a careful reading of the office order No.153/2005/WP dated 17.11.2005 issued by the Assistant Personnel Officer/M&E/Divl.Personnel Officer/Madurai, clearly shows that the SNPs created for claiming the salary on their medical are lapsed on the date they join the new post, however, for the purpose of salary and



allowance, they will be charged against the substantive post of erstwhile department and the post held by them prior to creation of SNP shall not be filled up. It was also to be ensured that no pay shall be drawn in the event of any of the above named employees carry out the posting orders for such alternative appointment, as the post is purely for the personnel and it would automatically lapse on vacating the post by them. When the second respondent accepted the alternate appointment and also retired from service on attaining the age of superannuation on 30.04.2020, he is not eligible to be considered under the LARSGESS Scheme to opt for voluntary retirement on medical de-categorisation and seek for appointment on compassionate grounds to his son. Therefore, the circular relied upon by the second respondent is of no avail. In this context, the Hon'ble Supreme Court in Civil Appeal No.294 of 2022 dated 25.01.2022 (The Chief Personnel Officer and others v. A.Nishanth George) has set aside the earlier order passed by this Court, in an identical case, by holding as follows:-

“25. The Tribunal in the present case dismissed the OA filed by the respondent noting that the constitutional validity of the scheme was suspect and that moreover the father of the respondent had retired on attaining the normal age of superannuation. On a considered view of the matter, we hold that there was no error in the judgment of the Tribunal. We have addressed in detail the history of the LARSGESS scheme and the doubt expressed on its validity by the Division Bench of the Punjab and Haryana High Court in **Kala Singh** (supra) which eventually led to the decision of the Union government to terminate the scheme. While noticing the above backdrop,



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the three Judge Bench of this Court in **Manjit** (supra) clearly noted that the Scheme provided an avenue for backdoor entry into service and was contrary to the mandate of Article 16 which guarantees equal opportunity in matters of public employment. In this backdrop, the impugned judgment of the High Court of Madras issuing a *mandamus* for the appointment of the respondent cannot be sustained.

26. We accordingly allow the appeals and set aside the judgments of the Madurai Bench of the Madras High Court dated (i) 21 March 2018 in WP (MD) No.5046 of 2018; and (ii) 3 September 2019 in WP (MD) No.6452 of 2018 and companion cases. The writ petitions filed by the respondents before the High Court shall stand dismissed. There shall be no orders as to costs. Pending application(s) if any stands disposed.”

7. In the light of the above, when the second respondent is not entitled to be considered under the LARSGESS scheme, since he accepted the alternate appointment and also served in the said post till the date of his superannuation on 30.04.2020, the order of the Tribunal is perverse and warrants interference. Accordingly, the impugned order is set aside and the writ petition stands allowed. Consequently, the connected WMP is closed. No costs.

(P.VELMURUGAN J.) (K.GOVINDARAJAN THILAKAVADI J.)
12-03-2026

Index:Yes/No
Speaking/Non-speaking order
Internet:Yes
Neutral Citation:Yes/No
SS



To

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Central Administrative Tribunal
Madras Bench High Court Building
Chennai 600 104

2. The General Manager
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Chennai 600 003

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