पूर्व मध्य रेल
EAST CENTRAL RAILWAY

कार्यालय
महाप्रबंधक(का)
हाजीपुर

.....

PCPO's Sl No. 76/2021

No. E/234/O/ECR/HJP (E-Office/Compter No.96193)

1. CAO (Con.)/उत्तर एवं दक्षिण/पटना।
2. सभी PHOD/CHOD/पूमरे/हाजीपुर।
3. DRM/पूमरे/दानापुर, डीडीयू, धनबाद, सोनपुर एवं समस्तीपुर।
4. मुख्य कार्मिक अधिकारी/प्रशासन/पूमरे/हाजीपुर।
5. मुख्यालय के सभी कार्मिक अधिकारी।
6. CWM/पीडी/डीडीयू, यांत्रिक कारखाना/समस्तीपुर एवं हरनौत।
7. Sr.DPO/पूमरे/दानापुर, डीडीयू, धनबाद, सोनपुर एवं समस्तीपुर।
8. उप महाप्रबंधक/विधि/पटना।
9. प्राचार्य/क्षेत्रीय रेल प्रशिक्षण संस्थान/मुजफ्फपुर एवं भूली।
10. सभी मुकार्याधी/कार्याधी/पूमरे/हाजीपुर।

विषय :– Disposal of LARSGESS cases in light of Hon'ble Supreme Court's directions in WP(C) No. 1407/2019 and WP(C) No. 78/2021.

संदभ :– Railway Board's letter No.-E(P&A)I-2015/RT-43,dated-10.03.2021.

******

विषयांकित से संबंधित संदर्भित पत्र की छायाप्रति सूचना, मार्गदर्शन एवं अग्रेत्तर आवश्यक कार्रवाई हेतु प्रेषित की जा रही है।

A copy of above referred letter on the subject matter is being forwarded herewith for information, guidance and needful onward action please.

संलग्नकः यथोपरि।

DA: As above.

Signed by Saurabh Sawarn
Date: 10-08-2021 18:11:18
Reason: Approved
(सौरभ सावर्ण)
वकाधि/ई.एस.एम.
कृते महाप्रबंधक (का0)/हाजीपुर

प्रतिलिपि/– निम्नलिखित को सूचनार्थ, मार्गदर्शन एवं आवश्यक कार्रवाई हेतु प्रेषितः–

1. महासचिव/ईसीआरकेयू/पूमरे/हाजीपुर।
2. महासचिव/एस.सी.एवं एस.टी.एशोसिएशन/पूमरे/हाजीपुर।
3. सकाधि(एम.पी.पी.)/पूमरे/हाजीपुर–कृपया इसे वेबसाइट पर अपलोड करें।
4. महासचिव/ओ.बी.सी.एशोसिएशन/पूमरे/हाजीपुर।

कृते महाप्रबंधक (का0)/हाजीपुर

*742495/2021/O/o Dy.CPO/HQ/ECR

Government of India (भारत सरकार)

Ministry of Railways (रेल मंत्रालय)

(Railway Board/रेलवे बोर्ड)

No. E(P&A)I-2015/RT-43 **New Delhi, dated: 10.03.2021**

The General Managers,
All Indian Railways/ PUs.

(Attn: PCPOs)

Sub:- Disposal of LARSGESS cases in light of Hon'ble Supreme Court's directions in WP(C) No. 1407/2019 and WP(C) No. 78/2021.

Please find enclosed herewith copies of Hon'ble Supreme Court's judgments dated 28/01/2021 in W.P.(C) No. 1407 of 2019 *(Abhishek Kumar Jha & Ors. V/s UOI & Anr.)* and 29/01/2021 in W.P. (C) No. 78 of 2021 *(Manjit & Ors. V/s UOI & Anr.)*, wherein the petitioners have prayed to direct the respondents to offer appointment to them under LARSGESS Scheme. Hon'ble Supreme Court in their above said judgments dated 28/01/2021 & 29/01/2021 has observed as under:

WP(C) No. 1407/2019

".....that once the Scheme itself was withdrawn, no benefit whatsoever including one of consideration of representation could be afforded to any of the persons."

WP(C) No. 78/2021

".....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."

2. In view of the above, Railways are directed to adhere to the directions of Hon'ble Supreme Court while considering any of the LARSGESS cases.

DA: As above.

(N P Singh)
Joint Director/E(P&A),
Railway Board
Tele No. 47845124
Email Id: nirbhay.singh26@gov.in
1st Floor, Room No.109-B

742495/2021/O/o Dy.CPO/HQ/ECR

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

Certified to be true copy
Assistant Registrar(Judl.)
1 2 2021
Supreme Court of India

WRIT PETITION (CIVIL) NO.1407 of 2019

ABHISHEK KUMAR JHA & ORS. ...Petitioners

VERSUS

UNION OF INDIA & ANR. ...Respondents

917638

O R D E R

This petition filed under Article 32 of the Constitution of India prays for issuance of a writ of mandamus directing the respondents to appoint the petitioners in their respective cadres. Reliance has been placed on LARSGESS Scheme initiated by the Ministry of Railways to submit that a right had fructified in favour of the petitioners on the basis of which the petitioners ought to be afforded employment under the Railways.

Heard Ms. Vibha Datta Makhija, learned Senior Advocate in support of the petition and

Ms. Madhavi Divan, learned ASG for the Railways.

Our attention is invited to the order dated 06.03.2019 passed in I.A. No.18573 of 2019 in M.A. No.346 of 2019 in M.A. No.1202 of 2018 in SLP (Civil) No.508 of 2018, which had recorded the submission of the learned Attorney General for India and the fact that the LARSGESS Scheme stood terminated in the light of which the matter was disposed of.

Reliance is also placed on the subsequent order dated 26.03.2019 passed in Writ Petition (Civil) No.219 of 2019 to submit that applications preferred by some persons who had offered their candidature before the withdrawal of the Scheme were directed to be considered. The Order shows that this Court did not rule on the submission but allowed the concerned persons to make representation to the authorities.

However, in number of matters taken up later, this Court refused to accept similar petitions filed under Article 32 of the

Constitution of India on the premise that once the Scheme itself was withdrawn, no benefit whatsoever including one of consideration of representation could be afforded to any of the persons.

Ms. Madhavi Divan, learned ASG has reiterated that the Scheme itself stood withdrawn.

In the circumstances, there is no merit in this petition.

This writ petition is, therefore, dismissed.

.....J.
[UDAY UMESH LALIT]

.....J.
[HEMANT GUPTA]

.....J.
[S. RAVINDRA BHAT]

NEW DELHI;
JANUARY 28, 2021.

Reportable

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

918866

Writ Petition (Civil) No 78 of 2021

Manjit and Ors .... Appellant(s)

Versus

Union of India and Anr ....Respondent(s)

JUDGMENT

Certified to be true Copy
Assistant Registrar (Judl.)
2020
Supreme Court of India

Dr Dhananjaya Y Chandrachud, J

1 Invoking the jurisdiction under Article 32 of the Constitution, the petitioners seek the following reliefs:

> "(a) Issue a writ in the nature of mandamus directing the respondent to appoint the petitioners in their respective cadres; and
>
> (b) Issue any other appropriate writ, order or direction in the facts and circumstances of the case."

2 The dispute in the present case relates to a scheme, popularly termed as the Larsgess Scheme, which had been adopted by the Railway Administration previously. The Punjab and Haryana High Court passed orders on 27 April 2016 and 14 July 2017 requiring the Union of India to reconsider the Scheme. The orders of the High Court were evidently based on the fact that the Scheme provided for an entry into service for certain wards of serving employees without undergoing a competitive selection consistent with the requirement of Articles 14 and 16 of the Constitution. On 8 January 2018, in SLP (C) No 508 of 2018,

arising from the judgment and order of the High Court of Punjab and Haryana dated 14 July 2017 in RP No 330 of 2017, this Court directed the Union of India to take a conscious decision within a period of six weeks . The order dated 8 January 2018 was in the following terms:

> "Heard learned counsel for the parties.
>
> Delay condoned.
>
> Since the direction in the impugned order is only to re-visit the Scheme in question, no interference is called for at this stage. The petitioner(s) may take a conscious decision in the matter within a period of six weeks from today. If any party is affected by the decision taken, such party may take remedy against the same in accordance with law.
>
> The special leave petition is, accordingly, disposed of.
>
> Pending application(s), including application for intervention, shall also stand disposed of."

3 On 5 March 2019, the Union of India took a decision to terminate the Scheme. The decision of the Union of India was noticed in an order dated 6 March 2019, in the following terms:

> "In compliance of the directions of the Hon'ble Punjab & Haryana High Court dated 27.04.2016 in CWP No.7714 of 2016, dated 14.07 .2017 in RA-CW-330-2017 and Orders of Hon'ble Supreme Court dated 08.01.2018 in SLP (C) No.508/2018, Ministry of Railways have revisited the LARSGESS Scheme duly obtaining legal opinion and consulted Ministry of Law & Justice. Accordingly, it has been decided to terminate the LARSGESS Scheme w.e.f. 27.10.2017 i.e. the date from which it was put on hold. Therefore, no further appointments should be made under the Scheme subject to position mentioned in para 2 below.
>
> 2. As regards the cases where the wards had completed all formalities including Medical Examination under LARSGESS Scheme prior to 27.10.2017 and were found fit, but the employees are yet to retire, the matter is pending consideration before the Hon'ble supreme

Court and further instructions would be issued as per directions of the Hon'ble Court."

4 Following the above decision, on 6 March 2019, this Court disposed of IA 18573 of 2019 in Miscellaneous Application No 346 of 2019 in Miscellaneous Application No 1202 of 2018 in SLP (C) No 508 of 2018 by observing that "since the Scheme stands terminated and is no longer in existence, nothing further need be done in the matter".

5 In a subsequent order dated 26 March 2019, which was rendered in Writ Petition (C) No 219 of 2019 (**Narinder Siraswal** v **Union of India**), a Bench of two-Judges permitted the petitioners to approach the authorities with an appropriate representation with a direction to consider it.

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.

7 In view of the above factual background, we are not inclined to entertain the petition under Article 32. The grant of reliefs to the petitioners would only enable them to seek a back door entry contrary to the orders of this Court. The Union of India has correctly terminated the Scheme and that decision continues to stand.

8 Having regard to the above facts and circumstances, the petition is dismissed. A certified copy of this order shall be forwarded by the Registrar (Judicial) to the Chairman of the Railway Board for intimation and compliance.

9 Pending application, if any, stands disposed of.

.....J.
[Dr Dhananjaya Y Chandrachud]

.....J.
[Indira Banerjee]

.....J.
[Sanjiv Khanna]

New Delhi;
January 29, 2021
-S-