EAST COAST RAILWAY

प्रमुख मुख्य कार्याधिकारी का कार्यालय/
Office of the Pr.Chief Personnel Officer
हिन्दी तल-, 751 017
Rail Sadan, IInd Floor, Bhubaneswar-751 017

स्थापना क्रमांक/ Estt. Srl. No.198/2018
पूर्ते/कार्यक/आर/ECoR/Pers/R Rectt.

सेवा में,
सभी प्रमुख विभागाधिकारी/समवेतक विभागाधिकारी, पूर्ते रेल/सुपरविज़ियर
म.स. /श्र.व. म.स. अधिकारी/म.स. अधिकारी-बालाकेश, संबंधों,
कार्यालय प्रबंधक/कार्यालयात्मक/अधिकारी- मंचेस्टर, अतिरिक्त रेलवे/रेल वाहन अधिकारी,
व. का अधिकारी (छ)/सुपरविज़ियर
महा सचिव/डाक. व. का., महा सचिव/डाक. व. का.,
महा सचिव/एडिशनल ओ वी की सी आर ई ए, महा सचिव/ ए आई एस ली एस टी आर ई ए

Sub: Termination of the LARSGESS Scheme in view of directions of
Hon’ble High Court of Punjab and Haryana and the orders of Hon’ble
Supreme Court of India in SLP (c) No.508/2018 dated-08.01.2018.

उपर्युक्त विवेक पर बोर्ड पत्र सं ए(P&A))-2015/RT-43 वित्तांक 26.09.2018 की
प्रतिलिपि सूचना, मार्गदर्शन एवं आवश्यक कार्यावस्था हेतु अवश्यक है।

A copy of the Board’s Lr.No- E(P&A))-2015/RT-43 dated 26.09.2018 on
the above quoted subject is forwarded herewith for information, guidance and
necessary action.

Encl: As above,

(सी.सी. शेख)
Asstt. Personnel Officer(HQ)
For Pr. Chief Personnel Officer

प्रतिलिपि प्रेषित/Copy to:

1) महाप्रबंधक के सचिव/पूर्ते व रेलवे, शुभवेय
2) मुख्यविधि/मुख्यविधि (प्रशा.), उप म.प., अध्यक्ष (रेलवे वर्तनी प्रकाशी)
3) उप मुख्य प्रबंधक (श्री.), उप मुख्यविधि (ची.सं. एवं कल्याण., वाक्यविधि (इंडी.)
4) वाक्यविधि(सुपरवी), वाक्यविधि (स्टाफ), वाक्यविधि (राज्य एवं व्यवादा)
5) मुख्यविधि के निम्न रचिव/सह. कार्याधिकारी. (मुख्या. -1), सह. कार्याधिकारी. (कल्याणा),
सहा. कार्याधिकारी (वित्त), सहा. कार्याधिकारी (वर्तनी)
No. E(P&A)I-2015/RT-43

The General Managers,
All Indian Railways.

(Attn: CPOs)

Sub: Termination of the LARSGESS Scheme in view of directions of Hon'ble High Court of Punjab and Haryana and the orders of Hon'ble Supreme Court of India in SLP (C) No. 508/2018 dated 08.01.2018.

Ref: Board's letter of even number dated 27.10.2017.

The Hon'ble Punjab and Haryana High Court in its judgement dated 27.04.16 in CWP No. 7714 of 2016 had held that the Safety Related Retirement Scheme 2004 (later renamed as the Liberalised Active Retirement Scheme for Guaranteed Employment for Safety Staff {LARSGESS}, 2010) "prima facie does not stand to the test of Articles 14 and 16 of the Constitution of India." It had directed "before making any appointment under the offending policy, let its validity and sustainability be revisited keeping in view the principles of equal opportunity and elimination of monopoly in holding public employment." Thereafter, in its judgement dated 14.07.17 (Review Petition RA-CW-330-2017 in CWP No. 7714 of 2016), the Hon'ble High Court reiterated its earlier direction and stated "such a direction was necessitated keeping in view the mandate of the Constitution Bench in State of Karnataka Vs. Uma Devi, (2006) 4 SCC 1."

1.1 In the Appeal against the judgement of the Hon'ble High Court of Punjab & Haryana, the Hon'ble Supreme Court of India, while disposing of the SLP (C) No. 508/2018 vide its order dt. 8.01.18, declined to interfere with the directions of the High Court.

2. In compliance with the above directions, Ministry of Railways have revisited the 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. No further appointments should be made under the Scheme except in cases where employees have already retired under the LARSGESS Scheme before 27.10.17 (but not normally superannuated) and their wards could not be appointed due to the Scheme having been put on hold in terms of Board's letter dated 27.10.17 though they had successfully completed the entire process and were found medically fit. All such appointments should be made with the approval of the competent authority.

3. Please acknowledge receipt.

Hindi version will follow.

(N P Singh)
Joint Director/E(P&A)
Railway Board