

## EAST COAST RAILWAY



प्रधान मुख्य कामक अधिकारी का कार्यालय/  
Office of the Principal Chief Personnel Officer  
रेल सदन, द्वितीय तल, भुवनेश्वर - 751017  
Rail Sadan, IInd Floor, Bhubaneswar-751017

स्थापना क्रमांक/ Estt. Srl. No. 41/2021

पूतरे/कार्मिक/आर/ECOR/Pers/R/Recruitment

Date: 15.03.2021

सेवा मे,

सभी प्रमुख विभागाध्यक्षों/समन्वयक विभागाध्यक्षों, पूतरे/भुवनेश्वर  
मं.रे.प्र/व.मं.का.अधिकारी/मं.का.अधिकारी-खोरधारोड, बालतेरू, संबलपुर,  
मु.कारखाना प्रबंधक/कारखाना कार्मिक अधिकारी- मंचेश्वर, अतिरिक्त रजिस्ट्रार/रेल दावा अधिकरण,  
उ.मु.का अधिकारी(नि.)/भुवनेश्वर  
महा सचिव/इकोर श्र. कां., महा सचिव/इकोर श्र. यू.,  
महा सचिव/एआई ओ बी सी आर ई ए, महा सचिव/ ए आई एस सी एस टी आर ई ए


**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.**

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उपर्युक्त विषय पर रेलवे बोर्ड पत्र सं. E(P&A)/I/2015/RT-43 दिनांक 10.03.2021 की प्रतिलिपि सूचना,  
मार्गदर्शन एवं आवश्यक कार्रवाई हेतु अग्रेषित है।

A copy of Railway Board's Lr. No. E(P&A)/I/2015/RT-43 dated 10.03.2021 on the above quoted  
subject is forwarded herewith for information, guidance and necessary action.

Encl: As above,

  
(R.N.A.Parida)

Chairman Railway Recruitment Cell  
For Principal Chief Personnel Officer

प्रतिलिपि प्रेषित/Copy to :

- 1) महाप्रबंधक के सचिव/पूर्व तट रेलवे, भुवनेश्वर
- 2) मुकाधि/मुकाधि(प्रशा.), उप म.प्र, अध्यक्ष(रेलवे भर्ती प्रकोष्ठ)
- 3) उप मुख्य प्रबंधक(सू.प्रौ), उप मुकाधि(औ.सं.एवं कल्याण), वकाधि(इंजी.)
- 4) वकाधि(स्टाफ), वकाधि(मुख्या. एवं न्याया.)
- 5) मुकाधि के निजी सचिव/सहा.कार्मिक अधि.(मुख्या.),सहा.कार्मिक अधि(कल्याण),  
सहा.कार्मिक अधि.(बिल),

**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](mailto:nirbhay.singh26@gov.in)

1<sup>st</sup> Floor, Room No.109-B

IN THE SUPREME COURT OF INDIA Certified to be true copy  
 CIVIL ORIGINAL JURISDICTION Assistant Registrar(Judl.)  
 1-2-2019  
 Supreme Court of India

WRIT PETITION (CIVIL) NO.1407 of 2019

ABHISHEK KUMAR JHA & ORS.

...Petitioners

VERSUS

UNION OF INDIA & ANR.

...Respondents

O R D E R

917638

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.

*sd/*  
.....J.  
[UDAY UMESH LALIT]

*sg/*  
.....J.  
[HEMANT GUPTA]

*sv/*  
.....J.  
[S. RAVINDRA BHAT]

NEW DELHI;  
JANUARY 28, 2021.

IN THE SUPREME COURT OF INDIA  
 CIVIL ORIGINAL JURISDICTION  
Writ Petition (Civil) No 78 of 2021

918866

Manjit and Ors

.... Appellant(s)

Versus

Union of India and Anr

....Respondent(s)

J U D G M E N T

Certified to be true Copy  
 Assistant Registrar (Jull.)  
 05/01/2021  
 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

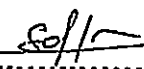
Court and further instructions would be issued as per directions of the Hon'ble Court."

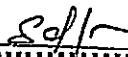
- 4 Following the above decision, on 6 March 2019, this Court disposed of IA 18573 of 2019 in Miscellaneous Application No 346 of 2019 in Miscellaneous Application No 1202 of 2018 in SLP (C) No 508 of 2018 by observing that "since the Scheme stands terminated and is no longer in existence, nothing further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

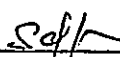


claim neither a vested right nor a legitimate expectation under such a Scheme.  
All claims based on the Scheme must now be closed.

- 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