

EASTERN RAILWAY

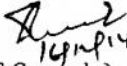
No. E.393/0/3/SRRS/Pt.I

Kolkata, dated: 16/12/14

ALL CONCERNED

Sub: Order dated 26th August 2013 of Hon'ble CAT/Chennai's Judgement in O.A. Nos. 1464, 1465, 1466, 1467, 1468, 1469, 1029 & 1030 of 2012 filed by S.Shri S. George Kirupanathan, A.M. Arumugam, K. Padmanabhan, E. Palani, K. Ekambaram, S. Kumaresan, N. Ramachandran and P. Munuswamy respectively.

A copy of Railway Board's letter no. E (P&A) I-2012/RT-9, dated 27.11.2014 is appended below for information, guidance and necessary action. Board's earlier letter dated 07.10.2013 was circulated under this office circular letter No. No. E.393/0/3/SRRS (Dup) dated: 29/11/2013 which is enclosed for ready reference.


(S.Ganguly)

Asstt. Personnel Officer/R&B
For Chief Personnel Officer

Copy of Railway Board's letter no. E (P&A) I-2012/RT-9, dated 27.11.2014 addressed to the GM (P)/All Indian Railways and others.

Sub: Order dated 26th August 2013 of Hon'ble CAT/Chennai's Judgement in O.A. Nos. 1464, 1465, 1466, 1467, 1468, 1469, 1029 & 1030 of 2012 filed by S.Shri S. George Kirupanathan, A.M. Arumugam, K. Padmanabhan, E. Palani, K. Ekambaram, S. Kumaresan, N. Ramachandran and P. Munuswamy respectively.

The observations of CAT/Madras in their judgement dated 26.08.2013 were circulated vide Board's letter of even number dated 07.10.2013 for guidance. The Hon'ble High Court of Madras vide its Order dated 21.11.2013 while upholding the CAT/Chennai's judgement dated 26.08.2013 has observed as under:-

"Even after attainment of 57 years, the petitioners have not chosen to go on Voluntary Retirement and pursue the claim of appointment to their wards and they have served till the age of 60 years and earned full salary and other benefits and few of them are still in service earning salary and therefore, they are found to be hale and healthy. The petitioners, having continuously served in the railways beyond 57 years cannot claim that their wards should be given appointment at the later stage."

2. This order may also be circulated to all the concerned officials in all the Divisions, so that the same may be quoted, while defending the railways interests in similar cases, if any.

Contd....2/-

3. In view of High Court of Madras's observations, Railways should ensure that the retirement/recruitment process for each and every cycle is completed within the prescribed Time Schedule.

Index no. 1031:- Order dated 26th August 2013 of Hon'ble CAT/Chennai's Judgement in O.A. Nos. 1464, 1465, 1466, 1467, 1468, 1469, 1029 & 1030 of 2012 filed by S. Shri S. George Kirupanathan, A.M. Arumugam, K. Padmanabhan, E. Palani, K. Ekambaram, S. Kumaresan, N. Ramachandran and P. Munuswamy respectively.

Copy of Railway Board's letter No. E(P&A) 1-2012/RT/9 dated 7.10.2013 addressed to all GMs/IR.

Sub: Order dated 26th August 2013 of Hon'ble CAT/Chennai's Judgement in O. A. Nos. 1464, 1465, 1466, 1467, 1468, 1469, 1029 & 1030 of 2012 filed by Shri S. George Kirupanathan, Shri A. M. Arumugam, Shri K. Padmanabhan, Shri E. Palani, Shri K. Ekambaram, Shri S. Kumaresan, Shri N. Ramachandran and Shri P. Munuswamy respectively.

In Southern Railway some employees seeking voluntary retirement under LARSGESS, who were declared ineligible being over-aged on the cut-off date notified by the railway administration, had approached the Hon'ble CAT, Chennai against the decision of the railway administration. In its judgement dated 26th August 2013, while dismissing the above O.As., Hon'ble CAT has upheld the conditions prescribed relating to age limit under the LARSGESS and observed as under:-

"10. The applicants have taken ground in the present batch of OAs by challenging the upper age of 57 years under the scheme. We find their argument untenable as the objective of the scheme is not to provide employment to their wards. It is a measure devised by the respondents to improve the overall safety of the railways by infusing new blood for which they have sought to incentivize voluntary retirement among those working in the safety categories in the prescribed age group. However, if the scheme were to be extended beyond 57 years that would possibly throw upon flood gates for rampant misuse, as even an employee close to the retirement age of 60 years would then become eligible to be considered under the scheme, if above contentions raised by the applicants were to be accepted.

11. We find the applicants in the present batch of O. As. are falling under the categories covered by the extended scheme notified in the year 2010 and which was operationalised only in the second half of 2011. Right of an employee under any scheme would crystallize only from the date from which such scheme is effectively notified for the benefit of all the employees with clear operational guidelines."

2. The above decision of CAT, Chennai has been uploaded on Railway Board's internet website "www.indianrailways.gov.in → Ministry of Railways → About Indian Railway → Railway Board Directorate → Establishment → E(P&A) Circulars". This order may be circulated to all the concerned Officials in all Divisions so that the same may be quoted while defending the Railways interests in similar cases, if any.
