

Eastern Railway
(Personnel Department)
17, N. S. Road, Kolkata - 700 001

Serial Circular No. 186/2018

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

Kolkata, Dated: 11/10/2018

All Concerned

(as per standard list)

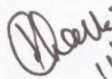
Sub: LARSGESS Scheme - reg.

On the issue of LARSGESS, Ministry of Railways (Railway Board) have issued two successive instructions, initially vide letter No. E(P&A)I-2015/RT-43 dated 26/09/2018 (RBE No. 150/2018) followed by letter No. E(P&A)I-2015/RT-43 dated 28/09/2018 (RBE No. 151/2018). Both the instructions are communicated herewith for information and necessary action.

Board's earlier letter dated 27/10/2017 mentioned in Board's letter dated 26/09/2018 *ibid*, was circulated vide this office letter of even number dated 02/11/2017.

DA: As above.


(Anjan Ray)
Dy. Chief Personnel Officer/Gaz.
For Pr. Chief Personnel Officer
Phone No.:24104 (Rly.)


11/10/18

Index No. 1066: Instructions relating to LARSGESS.

भारत सरकार/Government of India
रेल मंत्रालय/Ministry of Railways
रेलवे बोर्ड/Railway Board

R.B.E. NO. 150/ 2018

No. E(P&A)I-2015/RT-43

Dated: 26.09.2018

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.

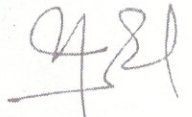
The Hon'ble Punjab and Haryana High Court in its judgement dated 27.04.16 in CWP No. 7714 of 2016 had held that the Safety Related Retirement Scheme 2004 (later renamed as the Liberalised Active Retirement Scheme for Guaranteed Employment for Safety Staff {LARSGESS}, 2010) "*prima facie does not stand 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

GOVERNMENT OF INDIA
MINISTRY OF RAILWAYS
RAILWAY BOARD

No. E(P&A)I-2015/RT-43

RBE No. 151/2018
New Delhi, dated 28.09.2018

The General Managers,
All Indian Railways.

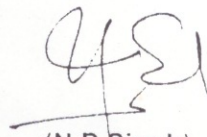
(Attn: CPOs)

Sub: LARSGESS Scheme.

Ref: (1) Board's letter of even number dated 27.10.2017
(2) Board's letter of even number dated 26.09.2018

In supersession to Railway Board's letter No. E(P&A)I-2015/RT-43 dated 26.09.2018, it is stated that while the LARSGESS Scheme continues to be on hold with effect from 27.10.2017 on account of various court cases, to impart natural justice to the staff who have already retired under LARSGESS scheme before 27.10.2017 (but not naturally superannuated) and appointment of whose wards was not made due to various formalities, appointment of such of the wards/candidates can be made with the approval of the competent authority.

2. Pleas acknowledge receipt.
3. Hindi version will follow.


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

No. E(P&A)I-2015/RT-43

Dated: 28.09.2018

Copy forwarded to:-

1. The General Secretary, AIRF, R.No.253, Rail Bhawan, New Delhi.(with 35 spares).
2. The General Secretary, NFIR, R.No.256-E, Rail Bhawan, New Delhi.(with 35 spares).
3. The Members of the National Council, Departmental Council and Secretary, Staff Side, National Council, 13-C, Ferozeshah Road, New Delhi.(with 60 spares).
4. The Secretary General, FROA, R.No.256-A, Rail Bhawan, New Delhi.(with 5 spares).
5. The Secretary, RBSS, Group 'A' Officer Association, R.No.402, Rail Bhawan (with 5 spares).
6. The President, Railway Board Class II Officers' Association.
7. The Secretary General, IRPOF, Room No.341-C, Railway Board.
8. The President, Indian Railway Class II Officer Association.
9. The Secretary, Railway Board Ministerial Staff Association.
10. The Secretary, Railway Board Class IV Staff Association
11. The Secretary General, AIRPF Association.
12. The General Secretary, All India SC/ST Railway Employees Association, R.No.8, Ground Floor, Rail Bhawan, New Delhi-110001.
13. All India OBC Railway Employee's Association.