

Abhishek Kumar Jha vs Union Of India on 28 January, 2021

Bench: Uday Umesh Lalit, Hemant Gupta, S. Ravindra Bhat

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

WRIT PETITION (CIVIL) NO.1407 of 2019

ABHISHEK KUMAR JHA & ORS.

...Petitioners

VERSUS

UNION OF INDIA & ANR.

...Respondents

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 Reason: 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similar petitions filed under Article 32 of the Constitution of India on the premise that once the Scheme itself was withdrawn, no benefit whatsoever including one of consideration of representation could be afforded to any of the persons.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 Madhavi Divan, learned ASG has reiterated that the Scheme itself stood withdrawn.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.

ITEM NO.2 COURT NO.4 SECTION X (HEARING THROUGH VIDEO CONFERENCING) S U P R E M E C O U R T O F I N D I A RECORD OF PROCEEDINGS Writ Petition (Civil) No.1407/2019 ABHISHEK KUMAR JHA & ORS. Petitioner(s) VERSUS UNION OF INDIA & ANR. Respondent(s) Date : 28-01-2021 This petition was called on for hearing today. CORAM :

HON'BLE MR. JUSTICE UDAY UMESH LALIT HON'BLE MR. JUSTICE HEMANT GUPTA HON'BLE MR. JUSTICE S. RAVINDRA BHAT For Petitioner(s) Ms. Vibha Datta Makhija, Sr. Adv.

Mr. Raj Kishor Choudhary, AOR Mr. Shakeel Ahmed, Adv.

Mr. Anupam Bhati, Adv.

Mr. H.S. Mann, Adv.

Mr. Nakul Chaudhary, Adv. Ms. Malvika Raghavan, Adv.

For Respondent(s) Ms. Madhavi Divan, ASG Mr. Akshay Amritanshu, Adv. Mr. Adit Khorana, Adv.

Mr. Raj Bahadur Yadav, AOR UPON hearing the counsel the Court made the following O R D E R The Writ Petition is dismissed, in terms of the Signed Order.

Pending applications, if any, also stand disposed of.

(MUKESH NASA)
COURT MASTER

(PRADEEP KUMAR)
BRANCH OFFICER

(Signed Order is placed on the File)