

Sh. Ram Sewak And Ors vs Union Of India And Ors on 11 January, 2019

Author: Vipin Sanghi

Bench: Vipin Sanghi, A. K. Chawla

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* IN THE HIGH COURT OF DELHI AT NEW DELHI
+ W.P.(C) 13597/2018
SH. RAM SEWAK AND ORS. Petitioners
Through: Mr. A.K.Bhakt, Adv.

versus

UNION OF INDIA AND ORS. Respondents
Through: Mr. Jagjit Singh, Sr. Standing Counsel with
Mr. Vipin Chaudhary &
Mr. Bhavtosh Sharma, Advs. for Railways.

CORAM:
HON'BLE MR. JUSTICE VIPIN SANGHI
HON'BLE MR. JUSTICE A. K. CHAWLA
ORDER

% 11.01.2019 The petitioners have preferred the present writ petition to assail the order dated 17.07.2018 passed by the Central Administrative Tribunal, inter alia, in O.A. No.3977/2017. Apart from the said O.A. two other original applications were simultaneously decided by the Tribunal. The petitioners had preferred the said original application to claim benefit of the Liberalised Active Retirement Scheme for Guaranteed Employment for Safety Staff (LARSGESS) formulated by the Railways. The Tribunal has rejected the original application on the premise that the said LARSGESS Scheme was held to be violative of Articles 14 and 16 by the Bench of Punjab and Haryana High Court in its judgment dated 27.4.2016 titled Kala Singh and Ors.. vs. Union of India and Ors. passed in CWP No.7714/2016. The Special Leave Petition preferred before the Supreme Court being SLP(C) No.4482/2017 against the decision in Kala Singh (supra) was also dismissed on 06.03.2017 and the review application filed before the Punjab and Haryana High Court was dismissed on 14.7.2017. An identical scheme to the LARSGESS Scheme was similarly struck down by the High Court of Judicature at Hyderabad for the States of Telangana and Andhra Pradesh, and the Special Leave Petition preferred before the Supreme Court in the case being SLP No.1156/2017 titled Telangana Boggu Gani Karmika Sangam vs. K. Satish Kumar and Ors. was also dismissed on 17.04.2017.

The submission of learned counsel for the petitioners is that his application under the said scheme had been made earlier, and those who made the application later were granted the benefit of the LARSGESS Scheme. In our view, that is no ground to claim the relief sought by the petitioners. There is no vested right in the petitioners to claim the benefit of an illegal scheme. Merely because some others may have got away with the benefit under the scheme before being declared illegal,

does not justify perpetuation of the illegality by granting benefit under the said scheme to the petitioners.

Dismissed.

VIPIN SANGHI, J A. K. CHAWLA, J JANUARY 11, 2019/ak