In the High Court of Punjab and Haryana at Chandigarh
CWP No.7714 of 2016

Date of decision: April 27, 2016

Kala Singh and others

..... Petitioners

Versus

Union of India and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE A.B. CHAUDHARI

Present: Mr. Aman Chaudhary, Advocate for the petitioners.

****

SURYA KANT, J.

The petitioners have laid challenge to the order dated 22.04.2015 passed by Central Administrative Tribunal, Chandigarh Bench whereby their Original Application seeking postponement of the dates of their voluntarily retirement to the same date when their wards were appointed by the Railways under the socalled ''Safety Related Retirement Scheme'', has been dismissed.

We have heard the learned counsel for the petitioners and gone through the record.

The above-stated Scheme formulated by the respondents in the year 2004 and modified in the year 2010 enables second category job of railway employees to seek 'voluntarily retirement' after they reach the age group of 55-57 years or complete qualifying service of 33 years and they can seek appointment of their wards in their place. Since such wards do not possess the technical know-how of the offered posts, they are sent for training before actual appointment in the Railways. In the instant case, the petitioners voluntarily retired on 28-29 July, 2010

For Subsequent orders see RA-CW-330-2017, COCP-3036-2017, -- and 1 more.

::: Downloaded on - 01-02-2021 21:56:27 :::

whereas their wards were also offered appointments immediately in the month of July-August, 2010. Such wards were then sent for training and on its completion, they were actually appointed on 26.05.2011. It is in this backdrop that the petitioners sought to postpone the dates of their voluntary retirement from 28-29 July, 2010 to 25.05.2011. The Tribunal had dismissed their petition.

We have heard learned counsel for the petitioners and are of the view that the very foundation of their claim, namely, the Safety Related Retirement Scheme, prima facie, does not stand to the test of Articles 14 and 16 of the Constitution of India. This policy is a device evolved by the Railways to make back-door entries in public employment and brazenly militates against equality in public employment.

Since we have not called upon the Railways at this stage, suffice it would be to dismiss this writ petition with a direction to the Railway Authorities that hitherto 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.

(SURYA KANT)
JUDGE

(A.B. CHAUDHARI)
JUDGE

April 27, 2016
jt

For Subsequent orders see RA-CW-330-2017, COCP-3036-2017, -- and 1 more.

::: Downloaded on - 01-02-2021 21:56:27 :::