

THE HIGH COURT OF MEGHALAYA

WP(C) No. 231/2015

1. M/371055M Hav (NA) Bhuwan Singh,
Presently serving at 13 Dental Unit Assam Rifles,
C/o Directorate General Assam Rifles,
Shillong, Meghalaya PIN 793011.

(Date of Enrollment: 17/12/1987 as Rifleman Nursing Assistant
Date of promotion : 1/1/2008)
2. M/371009X Hav(NA) Som Raj,
39 Assam Rifles,
C/o Directorate General Assam Rifles,
Shillong, Meghalaya PIN 793011.

(Date of Enrollment: 06/11/1987 as Rifleman Nursing Assistant
Date of promotion : 1/3/2007)
3. M/371451H Riflemen Nursing Assistant M
Iboncha Singh,
39 Assam Rifles,
C/o Directorate General Assam Rifles,
Shillong, Meghalaya PIN 793011.

(Date of Enrollment: 18/11/2001 as Rifleman Nursing Assistant)
4. M/370739M Hav Nursing Assistant,
Dhaneswar Sharma,
45 Assam Rifles,
C/o Directorate General Assam Rifles,
Shillong, Meghalaya PIN 793011.

(Date of Enrollment: 25/05/1985 as Rifleman Nursing Assistant
Date of promotion : 10/10/2003)
5. M/370793K Hav/NA Sanatan Kalita,
40 Assam Rifles,
C/o Directorate General Assam Rifles,
Shillong, Meghalaya PIN 793011.

(Date of Enrollment: 05/05/1985 as Rifleman Nursing Assistant
Date of promotion : 01/10/1997)

6. M/370398W Hav Nursing Assistant M. Rahman,,
17 Assam Rifles,
C/o Directorate General Assam Rifles,
Shillong, Meghalaya PIN 793011.

(Date of Enrollment: 05/01/1979 as Rifleman Nursing Assistant
Date of promotion : 1/10/1997)

7. M/371274N Hav Nursing Assistant
Irom Liklamtabl Mangang,
32 Assam Rifles,
C/o Directorate General Assam Rifles,
Shillong, Meghalaya PIN 793011.

(Date of Enrollment: 14/11/2000 as Rifleman Nursing Assistant
Date of promotion : 01/01/2012)

8. JC/370526 NB/SUB Anandan P N,
17 Assam Rifles,
C/o Directorate General Assam Rifles,
Shillong, Meghalaya PIN 793011.

[Date of Enrollment: 09/11/1984 as Rifleman Nursing Assistant
Date of promotion : 26/05/2014 as NB/SUB (NA)]

...Petitioners

(The Petitioners are pursuing a common cause and are therefore approaching this Hon'ble Court by a joint petition)

-Vrs-

1. The Union of India, represented by
The Secretary to the Government of India,
Ministry of Home Affairs, New Delhi – 110001.
2. The Director General Assam Rifles,
HQ, DGAR Assam Rifles, Shillong,
Meghalaya- 793011.
3. The Deputy Inspector General,
Medical Branch, HQ DGAR, Assam Rifles,
Shillong, Meghalaya – 793011.

...Respondents

**BEFORE
THE HON'BLE MR JUSTICE T NANDAKUMAR SINGH**

For the Petitioner : Mr. R.Mazumdar, Adv

For the Respondent : Mr. R.Deb Nath, CGC

Date of hearing : **10-09-2015**

Date of Judgment & Order : **10-09-2015**

JUDGMENT AND ORDER (ORAL)

Heard Mr. R.Mazumdar, learned counsel appearing for the petitioners and also Mr. R.Deb Nath, learned CGC appearing for the respondents.

2. The case in the present writ petition is that the petitioners are serving as Nursing Assistants in Assam Rifles and are entitled to receive the nursing allowance under the office memorandum dated 28-07-2015 issued by the Director (Police Finance), Ministry of Home Affairs, Govt. of India at the rate of which the same has been given to the similarly situated nursing assistants of the Assam Rifles. It is also the further case of the petitioners that the present case is covered by the judgment and order of this Court (Single Bench) dated 05-09-2013 passed in WP(C) No. (SH) 162/2013 (Annexure -6 to the writ petition) filed by the Nursing Assistants of Assam Rifles.

3. Against the said judgment and order of the Single Judge dated 05-09-2013 passed in WP(C) (SH) No. 162/2013, writ appeals had been filed before the Division Bench. The said writ appeals and other analogous writ appeals had been dismissed by the Division Bench of this Court vide a common

judgment and order dated 11-07-2014 (Annexure-7 to the writ petition).

4. The appellants of the said writ appeals also filed the SLP before the Apex Court against the said common judgment and order of the Division Bench dated 11-07-2014. The Apex Court had dismissed the SLP vide order dated 13-04-2015 (Annexure-8 to the writ petition). Therefore, it is the case of the writ petitioners that the said order of this Court had attained finality.

5. Mr. R. Deb Nath, learned CGC appearing for the respondents also submits at the Bar that the present case is squarely covered by the said earlier judgment of this Court which had been affirmed by the Apex Court.

6. For the foregoing discussions, this Court is of the considered view that this case is covered by the judgment and orders mentioned above which had been affirmed by the Apex Court and also that the benefits of the said common judgment and orders shall be extended to the petitioners. In other words, the present writ petitioners shall be allowed to enjoy the same benefit as granted to the respondents of the said writ appeal i.e. the petitioners of the said writ petitions i.e. the Nursing Assistants, within a period of 4(four) months from the date of receipt of a certified copy of this judgment and order.

Writ petition is allowed.

JUDGE

S.Rynjah