



2024:MLHC:311

Serial No.21
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C). No. 44 of 2019

Date of Decision :22.04.2024

1. E/5014198, Rajesh M.V,
Hav/Elect, ARC & MC.
2. E/57839, Birendra Kumar Singh,
Hav/Elect, ARC & MC.
3. E/5014213, Dhanesh Kumar P,
Hav/Elect, 9AR.
4. E/380485, Ramen Kalita,
Hav/Elect, ARC & MC.
5. E/5000851, Simson M K,
Hav/Elect, 9AR.
6. E/5017477, Santhosh Kumar,
Hav/Elect, ARC & MC.
7. E/380484, Dileep Kumar D,
Hav/Elect, 26SC & N56.
8. E/380479, Sudheesh M S,
Hav/Elect, 8AR.
9. E/5011535, S. Nagarajan,
Hav/Elect, 28AR.



10. E/380476, Arup Kumar Das,
Hav/Elect, 32AR.
11. E/380482, Manoj Roy,
Hav/Elect, 20AR.
12. E/380064, Binoy Chettri,
Hav/Elect, 20AR.
13. E/5016401, Reddy Jay,
Hav/Elect, ARC & MC.
14. E/380508, Rampal Raiger,
Hav/Elect, 18AR.
15. E/96032, Satheesh Kumar P,
Hav/Elect, 19AR.
16. E/154292, Sohan Singh,
Hav/Elect, 1MGAR.
17. E/380478, Champak Bhuiyam,
Hav/Elect, 7AR.
18. E/2301950, Sambhajiparit Pandurang,
Hav/Elect, 27AR.
19. E/380465, Sohan Singh,
Rfn/Elect, ARC & MC.
20. E/5022911, Roopendra,
Rfn/Elect, ARC & MC.
21. E/5016574, Pankaj Kumar,
Rfn/Elect, ARC & MC.



22. E/5017465, Girijesh Singh,
Rfn/Elect, HQ5 Sect.
23. E/5017940, Sumeet Kumar Panday,
Rfn /Elect, ARC & MC.
24. E/2501976, Pravakar Kumar Mohan,
Rfn/Elect, HQ6 Sect.
25. E/5022794, Anuj Kumar Singh,
Rfn /Elect, ARC & MC.
26. E/57612, Puran Singh Bisht,
Rfn/Elect, ARC & MC.
27. E/5021631, Sandeep Kumar,
Rfn/Elect, ARC & MC.
28. E/5020633, Buddha Deb Halder,
Rfn/Elect, ARC & MC.

... Writ Petitioners.

- Versus-

1. The Union of India,
Represented by the Secretary,
Govt. of India,
Ministry of Home Affairs
North Block,
New Delhi – 110 001.
2. Directorate General of Assam Rifles,
Directorate of Assam Rifles, Shillong,
Meghalaya – 793 011.

... Respondents.



Coram:

Hon'ble Mr. Justice H.S.Thangkhiew, Judge.

Appearance:

For the Petitioner/Appellant(s) : Mr. M.Chanda, Adv.
Mr. M.L.Nongpiur, Adv.

For the Respondent(s) : Dr. N.Mozika, DSGI with
Ms. A.Pradhan, Adv.

i) Whether approved for reporting in Law journals etc: Yes/No

ii) Whether approved for publication in press: Yes/No

JUDGMENT AND ORDER (ORAL)

1. The petitioners in the instant writ petition numbering 28 in Nos. who are stated to be serving as Rifleman/Electrician and Electrician Havildar, are before this Court praying for grant of appropriate rank, status and pay scales of Electrician Havildar at the entry grade in the light of the Office Memorandum dated 22-01-1998, read with Ministry of Home Affairs letter dated 28-07-1998, DGAR's order dated 21-02-2017, and also in the light of the judgment and order dated 22-09-2011, passed in WA. No. 50 (SH) of 2010, judgment and order dated 23-05-2014, passed in WP(C). No. 218 of 2013, judgment and order dated 10-08-2012, passed in WP(C)



No. 19 (SH) of 2010, and also the most recent judgment dated 20-04-2023, passed in WA. No. 10 of 2022 and other connected matters.

2. A perusal of the pleadings, and on hearing the submission of the learned counsel for the petitioners, it is evident that the petitioners who were initially recruited as Riflemen Electrician following due selection process, constitute one of the trades for which exercise of remusteration had been undertaken by the respondents, pursuant to policy decisions, and fortified later by orders of the earlier jurisdictional High Court, and also the present High Court.

3. With respect to the most recent judgment passed by this Court dated 20-04-2022, this Court at para 19 and 20 had observed as follows:

“19. However, for reasons that do not require to be looked into at this stage, the issues have attained finality by virtue of the appeal from the order dated May 8, 2014 being dismissed on March 1, 2016 and such appellate order not being assailed. In view of the principle of issue estoppel, it is no longer open to the Assam Rifles to urge to the contrary; at least not at this level. This Court is bound by its previous order of March 1, 2016 and the matter cannot be permitted to be agitated for being adjudicated afresh. The finality of an order does not depend on its correctness; the principle of finality is based on the larger public policy of giving quietus to a decision that could have been questioned but was not, or that was questioned but the challenge failed. The reasons for not assailing the decision or the reasons why the challenge failed are irrelevant, only the result is material.



20. Considering that the issues remained settled from about 2011, it appears extremely unlikely that there may be any cheer for the appellants herein at any other level.”

This Court had concluded the judgment by extending the entire benefits to similarly situated personnel of the Assam Rifles.

4. The applicability, and the need for compliance of the said judgment and order is not disputed by Dr. N.Mozika, learned DSGI, who however, submitted that an SLP had been preferred against this judgment, which is pending consideration.

5. Be that as it may, as similar benefits had been extended to other trades, this writ petition is also accordingly disposed of by affording identical relief as given in WA. No. 10 of 2022 to the petitioners herein.

6. Accordingly, the writ petition stands closed and disposed of.

Judge

Meghalaya
22.04.2024
“Samantha PS”