

HON'BLE MR. JUSTICE UJJAL BHUYAN

Heard Mr. M. Bhuyan, learned counsel for the petitioners. Also heard Mr. M. Bhagawati, learned Central Government Counsel for respondent Nos. 1 to 3 and Mr. B.J. Ghosh, learned Government Advocate, Assam for respondent Nos. 4 to 8.

Petitioners are ex-Servicemen and were appointed as Special Police Officers by the Government of Assam under Section 23 of the Assam Police Act, 2007 for security related duties in connection with the East-West Corridor Project of National Highway Authority of India in the State of Assam. After the selection, petitioners were deputed to undergo training programme and on completion of their training, they were appointed as Special Police Officers. Though the petitioners were appointed for fixed period, such appointments have been extended from time to time and the petitioners are in continuous service since their initial appointments.

The grievance of the petitioners is that though they are being paid fixed salary and have been given certain other benefits, such as providing of arms and ammunitions, patrolling vehicles etc., they have not been provided other benefits such as ration, house rent allowance etc. Though they have submitted representation before various authorities, no remedial steps have been taken till date.

Aggrieved, the petitioners have filed the present writ petition seeking a direction to the respondents to make available such benefits to them.

Learned counsel for the petitioners submits that a group of Special Police Officers having similar grievance had approached this Court in WP(C) No. 5171/2012 and this Court by order dated 7.11.2012 had directed respondent Nos. 2 and 5 to look into their grievance and pass appropriate order(s) thereon. He, therefore, prays for a similar order.

Learned Central Government Counsel as well as learned State Counsel does not object to the prayer made by the petitioners.

This Court by order dated 7.11.2012 had disposed of WP(C) No. 5171/2012 in the following terms:-

Petitioners were appointed under Section 23 of the Assam Police Act, 2007. Under sub-section (2) of the said section, every Special Police Officer so appointed shall have the same powers, privilege and limitations and would be liable to the same duties and responsibilities and be subjected to the same authorities as an ordinary Police Officer.

Mr. Choudhury, learned senior counsel for the petitioners referring to the communication dated 14.7.2008 of the Respondent No. 2, submits that the petitioners are entitled to various benefits such as ration allowance, ESI facilities, EPF, Gratuity/terminal benefits etc. He also submits that same benefits have been provided to the ex-servicemen employed as Special Police Officers in the Border Organization of Assam Police.

After hearing learned counsel for the parties and considering the nature of the grievance expressed, this writ petition is disposed of by directing the Respondent Nos. 2 and 5 to look into the grievance of the petitioners and pass appropriate order(s) thereon within a period of three (3) months from the date of receipt of a certified copy of this order. If necessary, the said respondents may call for necessary reports from the Director, Sainik Welfare Board, Assam as well as from the Director General of Police, Assam.

As agreed to by the learned counsel for the parties, present writ petition is also disposed of on similar terms.