

# THE HIGH COURT OF MEGHALAYA AT SHILLONG.

## WP(C) No. 286 of 2015

Ex-M/370813 M HAV/NA Suresh Rai  
S/o Shri Kalpanath Rai  
R/o Village Firozpur,  
P.O. Rampur Jivan,  
P.S-Jangipur,  
The-Jakhanian  
District-Ghazipur,  
Uttar Pradesh-233305  
(Superannuated on 01-08-2012)

..... **Petitioner**

-Vs-

1. 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 SR SEN**

For the Petitioner : Ms. M. Buragohain, Adv.

For the Respondent s : Mr. R. Debnath, CGC.

Date of hearing : **10.11.2015**

Date of Judgment & Order : **10.11.2015**

## JUDGMENT AND ORDER (ORAL)

The petitioner's case in a nutshell is that:

*"The Petitioner have preferred the present writ petition before his Hon'ble Court under Article 226 of the Constitution of India praying for directions to the respondents to pay to the petitioner the benefits of nursing allowance to which he is legally entitled.*

*That the petitioner was Nursing Assistant in Assam Rifles and entitled to receive nursing allowances under the office memorandum dated 28/07/2009, 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 assistant of the Assam Rifles. The case of the petitioner is covered by the judgment and order of this court (Single Bench) dated 19.09.2013, passed in W.P.(C) No. 256/2013 filed by Retired Nursing Assistant of Assam Rifles. Against the said judgment and order passed in W.P.(C) No. 256/2013, Writ appeal had been numbered as W.A. No. 31/2014 and the same had been dismissed along with other analogous writ appeals vide common judgment dated 11/7/2014. 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 13/4/2015 and the order of this Court had attained finality. The issue involved in this writ petition is squarely covered by order dated 19.9.2013 passed in Writ Petition (C) No. 256/2013. The petitioner is praying for similar relief with the petitioners in Writ Petition (C) No. 256/2013 as the order of the High Court already being implemented by the respondent authorities vide order No. A/Pers/II/Nursing Allce/2015/838 dated 11 August 2015".*

2. Heard Ms. M. Buragohain, learned counsel appearing on behalf of the petitioner, who submits that the petitioner Suresh Rai has already retired from the post of Nursing Assistant in Assam Rifles (Serving in No. 1 MGAR, Dimapur, Nagaland) but the entitlement mentioned at Annexure-X Page 87 of the writ petition was not paid to the petitioner till date, though, some other

nursing staffs holding the same post and entitlement for the same benefit had already received the benefit as per the judgment and order dated 11.07.2014 passed by the Division Bench of this High Court in WA. No. 14 of 2014, WA. No. 17 of 2014, WA. No. 18 of 2014, WA. No. 19 of 2014, WA. No. 20 of 2014 and WA. No. 21 of 2014 and the same judgment was upheld by Hon'ble the Apex Court vide order dated 13.04.2015 passed in SLP. (C) Nos...../2015 (CC No (s). 6499-6507/2015).

3. On the other hand, Mr. R. Debnath, learned CGC in his reply admitted the fact and submits that, it is a fact that in similar facts and circumstances, the petitioner who approached this court earlier in the above quoted writ appeals has already got the relief. If it is so, I do not see any hindrance to give the benefit to the petitioner in the light of the judgment and order dated 11.07.2014 passed in WA. No. 14 of 2014, WA. No. 17 of 2014, WA. No. 18 of 2014, WA. No. 19 of 2014, WA. No. 20 of 2014 and WA. No. 21 of 2014. Accordingly, the respondent is directed to calculate the benefits of the petitioner as per Annexure-X of the writ petition in pursuance of the writ appeals mentioned above and the benefits should be given to the petitioner within 3(three) months from the date of receipt of a certified copy of this judgment and order.

4. With these observations and direction, this writ petition is allowed in the motion stage and stands disposed of.

**JUDGE**

*D. Nary*