

THE HIGH COURT OF MEGHALAYA AT SHILLONG.

WP(C) No. 190 of 2016

Force No. F/65864 X
Rifleman/Water Carrier
Dhan Bahadur Lohar
S/o Chura Lal Lohar
R/o Village : G V Badasai,
Ward No. 4, P.O. Padaseri,
District : Rupendesi, Lumbali, Nepal

... **Petitioner**

- Versus -

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,
Directorate General of Assam Rifles,
Shillong-11
3. The Commandant, 6 Assam Rifles
C/o. 99 APO.

... **Respondents**

BEFORE

THE HON'BLE MR JUSTICE SR SEN

For the Petitioner : Mr. H. Bezbarua, Adv.

For the Respondents : Mr. N. Mozika, CGC.

Date of hearing : **30.06.2016**

Date of Judgment & Order : **30.06.2016**

JUDGMENT AND ORDER (ORAL)

Heard Mr. H. Bezbarua, learned counsel for the petitioner as well
as Mr. N. Mozika, learned CGC for the respondents.

2. The petitioner's case in a nutshell is that:

"The petitioner has filed the present Writ petition under Article 226 of the Constitution of India being aggrieved by order dated 26/03/2016, (Annexure C, Page No. 86-87) passed by the respondent following which steps have been initiated by the respondent authority to recover the alleged excess pay and allowances, which had been paid to the petitioner for his extension of his service due to interim order granted vide order dated 17/04/2015 by the Hon'ble Court in WP(C) No. 80/2015, from his retirement benefit. The Hon'ble Court dismissed the Writ Petition (C) No. 80/2015 vide order dated 15/03/2016 and thereafter the petitioner was discharged from his service on 31/03/2016.

The petitioner has approach this Hon'ble Court to set aside and quash the impugned order dated 26/03/2016 and to restrain the respondents for recovery any amount which the petitioner has earned during the period which he has already served in Assam Rifles".

3. The learned counsel for the petitioner submits that the petitioner retired from service on 31.03.2016 as per the judgment and order dated 15.03.2016 passed by this court in WP(C) No. 12 of 2015 & others (60 Nos.) and the same was followed in subsequent series of cases, but till date the petitioner did not get his retirement benefit. The petitioner has the information that the respondent is trying to deduct some amount from his pensionary benefit, which they cannot do after passing the above quoted judgment and order dated 15.03.2016 passed by this court in WP(C) No. 12 of 2015 & others (60 Nos.).

4. On the other hand, the learned CGC appearing on behalf of the respondents/Assam Rifles submits that, as per his information goes, there is

no intention from the respondent to deduct any amount from the pensionary benefit of the petitioner.

5. The learned counsel for the petitioner is also not in a position to show any specific order or notification in that regard. Therefore, I am of the view that the submission advanced by the learned counsel for the petitioner or the instruction given by the petitioner is mere assumption. Hence, this writ petition cannot be taken up for consideration at this stage.

6. Accordingly, this instant writ petition stands dismissed and disposed of.

JUDGE

D. Nary