

**IN THE HIGH COURT OF MEGHALAYA
AT SHILLONG**

WP(C) No. 234 of 2016

Ex Force No. M/370837
Sethumadhavan MC
S/o P V Unni Krishnan Nair,
R/o Preethi Nivas, Myimpuram
P.O. Thottakara, District : Palakkad
State : Kerela, Pin : 679102

... **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, – 793 011.
3. The Deputy Inspector General,
Medical Branch,
HQ, DGAR, Assam Rifles,
Shillong – 793 011.

....**Respondents**

**BEFORE
HON'BLE MR JUSTICE VED PRAKASH VAISH
Present**

| | |
|-----------------|-----------------------------|
| Mr. B. Deb | ... Counsel for Petitioner |
| Mr. K. Paul | ... Counsel for Respondents |
| Date of Hearing | ... 31.01.2017 |
| Date of Order | ... 31.01.2017 |

BY HON'BLE MR. JUSTICE V.P. VAISH

The case of the petitioner in the present petition is that the petitioner is serving as Nursing Assistant in Assam Rifles. The petitioner is entitled to nursing allowance in terms of

the Office Memorandum No. II. 27011/44/2008-PF.II, dated 28th July, 2009 issued by Ministry of Home Affairs and orders dated 04.01.1988, 02.07.1998, 28.07.1998 and 19.11.2008 issued by Ministry of Health and Family Welfare.

3. It is also stated that the case of the petitioner is covered by the Judgment and Order dated 04.11.2010 passed by Shillong Bench, Gauhati High Court in WP(C) No. 279 (SH) of 2009. The respondents challenged the said order by filing writ appeal No. 1 (SH) of 2011 which was dismissed by Hon'ble Division Bench, Gauhati High Court.

4. It is also stated by the petitioners that a similar petition bearing WP(C) (SH) No. 256 of 2013 titled as Ex-HAV/NA.M/370622X & Others versus The Union of India & Others was filed and the same was allowed by this Court vide Judgment and Order dated 19.09.2013. The appeal against the said order bearing Writ Appeal No. 31 of 2014 was also dismissed on 11th July, 2014.

5. The respondents have filed an affidavit of Lt. Col. Saurabh Charan SO-1 (A) along with order dated 17.01.2017. Copy of the affidavit has been supplied to learned counsel for the petitioners.

6. Mr. K. Paul, learned counsel appearing on behalf of the respondents has submitted that the respondents have sanctioned the nursing allowance and arrears to the Nursing Assistants working in Assam Rifles vide order dated 17.01.2017. He further submits that nursing allowance and arrears have been sanctioned to the petitioners vide order dated 17.01.2017.

7. Mr. B. Deb, learned counsel appearing on behalf of the petitioner submits that he has received copy of the affidavit and order dated 17.01.2017. He also submits that in view of the fact that nursing allowance and arrears have been sanctioned to the petitioner, the petitioner does not want to pursue with the present petition.

8. The counsel for petitioner has moved an application for withdrawal of the present petition. The counsel for respondents has no objection to the same.

9. In view of the facts and circumstances of the case and submission made by learned counsel for the petitioner as well the application filed on behalf of the petitioner, the present petition is dismissed as withdrawn.

JUDGE

Dated, the 31st January, 2017

V. Lyndem