

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

WP(C) No. 109 of 2016

1. Hav/NA Babu Manoli,
Regtl. No. 370666 P,
S/O (L) Shri. A. Manoli,
ARASU Unit,
Assam Rifles.
2. Nb/Sub/NA R.N.Prasad,
Regtl. No. 370418,
S/O (L) Shri. Shankar Dayal,
ARTC&S Unit,
Assam Rifles.
3. Hav/NA Mahesh Kumar,
Regtl No. 370806,
S/O Shri. Laxmi Singh,
6 Assam Rifles.
4. Hav/ NA Dhiran Das,
Regtl. No. 370740,
S/O Shri. Deban Das,
6 Assam Rifles.
5. Hav/ NA Ganapathi. M,
Regtl. No. 371306,
S/O Shri. Muniyappan,
16 Assam Rifles.
6. Hav/ NA Kuldeep Singh,
Regtl. No. 371217,
S/O Shri. Karam Singh,
ARTC&S Unit,
Assam Rifles.
7. Hav/NA Prem Bahadur,
Regtl. No. 371351,
S/O Shri. Bishnu B. Chetri,
20 Assam Rifles.
8. RFN/ NA Dilip Kumar Gurung,
Regtl. No. 371406,
S/O Shri. Dhan J. Gurung,
9 Assam Rifles.
9. Hav/ NA Martin G.,
Regtl. No. 371298,
S/O Shri. Gabril M.S.,
9 Assam Rifles.

10. Hav/ NA Unnikrishnan Nair,
Regtl. No. 370683,
S/O Shri. Sreedharan Pillai,
41 Assam Rifles.
11. Hav/ NA Charlee Jhon,
Regtl. No. 371011,
S/O Shri. C.Y.Sammuel,
38 Assam Rifles.
12. Ex Hav/ NA S.N.Pathak,
Regtl. No. Ex 370726,
S/O (L) Shri. Mulkraj Pathak,
28 Assam Rifles.
13. Ex RFN/ NA Sreekumar D.,
Regtl. No. Ex 371038,
S/O (L) Shri. K.K.Dhamodaran,
ARC & MC Unit,
Assam Rifles.

... **Petitioners**

-Versus-

1. Union of India,
Represented by the Secretary
to the Government of India,
Ministry of Home Affairs,
North Block,
New Delhi – 110001.
2. The Director General Assam Rifles,
HQ DGAR, Shillong,
Meghalaya, Pin – 793 011.
3. The Deputy Inspector General (A),
HQ, DGAR, Shillong,
Meghalaya, Pin – 793 011.

....**Respondents**

BEFORE
HON'BLE MR JUSTICE VED PRAKASH VAISH
Present

Mr. D. Thabah	...	Counsel for Petitioners
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 petitioners have filed the present writ petition
claiming that the petitioners are entitled to nursing allowance

and arrears. The petitioners are also seeking directions thereby directing the respondents to grant the benefit of nursing allowance and arrears to the petitioners.

2. The case of the petitioners is that the petitioners are serving as Nursing Assistants in the Assam Rifles and are not receiving nursing allowance as per entitlement. The petitioners are entitled to receive nursing allowance in terms of letter No. A/Pers/Nursing Allce/2012/1298 dated 04.01.2013 issued by Colonel (A) for Directorate General (DG) Assam Rifles, Ministry of Home Affairs, Government of India whereby it was intimated that the Ministry of Home Affairs vide order U.O. No. 27013/7/2012. PF.IV dated 17.12.2012 had conveyed the decision to extend the benefit of nursing allowance to Nursing Personnel of Assam Rifles.

3. It is also stated that the case of the petitioners 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. D. Thabah, learned counsel appearing on behalf of the petitioners 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 petitioners, the petitioners do not want to pursue with the present petition.

8. The counsel for petitioners 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 petitioners as well the application filed on behalf of the petitioners, the present petition is dismissed as withdrawn.

JUDGE

Dated, the 31st January, 2017

V. Lyndem