

Cont. Cas (C) No. 62 of 2019
In WA No. 82 of 2016

Date of order: 30.01.2020

Joginder Singh

Vs. Lieutenant Gen. Sukhdeep Sangwan

Coram:

Hon'ble Mr. Justice Mohammad Rafiq, Chief Justice

Appearance:

For the Petitioner/Appellant(s) : Ms. A. P. Kharsahnoh, Adv.

For the Respondent(s) : Mr. R. Debnath, Adv.

1. This contempt petition has been filed alleging non-compliance of the judgment passed by the learned Single Judge dated 21.07.2015 whereby, the writ petition filed by the petitioner was allowed and the respondents were directed to re-muster the petitioner with immediate effect and to grant his pay and allowances as per the post he is holding within three months.

2. Learned counsel for the respondents has produced for perusal of the Court a copy of the order dated 23.01.2020 and submitted that in compliance with the order of this Court, the petitioner has been granted remusteration from Rfn/GD to Rfn/NA in r/o No. G/3101763 retrospectively w.e.f. 16.01.2002 with all consequential benefits, the order reads as under:-

“MAHANIDESHALAYA ASSAM RIFLES
DIRECTORATE GENERAL ASSAM RIFLES,
SHILLONG-11

2016/Remust/Admn-IV/Att/2020/56 dated 23 Jan 2020

ORDER

1. In deference to the directions of the Hon'ble High Court of Meghalaya passed vide judgment and order dated 21 Jul 2015 in WP(C) No. 383/2013, judgment and order dated 02 May 2019 in WA No. 82/2016 and opinion of the Assistant Solicitor General Hon'ble Supreme Court of India vide Note 14 dated 29 Nov 2019, remusteration from Rfn/GD to Rfn/NA in r/o No. G/3101763 Rfn/GD Joginder Singh of 31 AR is hereby ordered retrospectively w.e.f. 16 Jan 2002 with all consequential benefits.

2. The regimental number of above individual shall remain unchanged on remusteration. However, the number will be prefixed with appropriate letter as per this Dte SOP No. 1.24000/4/Adm-II/2004 dated 30 Apr 2004.

3. Remusteration will be implemented forthwith and his seniority in the NA trade will be counted from 16 Jan 2002. His pay & allces as Rfn/NA will be effective from 16 Jan 2002. HQ DGAR (Records Branch) Admn-IV (Med Posting Sec) will issue posting order of the individual based on the availability of the vac to units/ests.

4. Remusteration in r/o No. G/3101763 Rfn/GD Joginder Singh of 31 AR has been considered to NA trade in deference to the directions of Hon'ble High Court of Meghalaya and opinion of Assistant Solicitor General, Supreme Court of India. Hence, this order will not taken as precedence for any other case.

(ABK Basnet)
Col
Col (Records)
for Brig (Pers)''

3. In view of the above, this Court is satisfied about the compliance of the direction contained in the writ petition's judgment dated 21.07.2015. The contempt petition is disposed of and notices are discharged.

(Mohammad Rafiq)
Chief Justice

Meghalaya
30.01.2020
"Sylvana PS"