
(2014) 08 MEG CK 0010
In the Meghalaya High Court
Case No : WP(C) No. 217/2013

P.J. Mathew

APPELLANT

Vs

The Union of India

RESPONDENT

Date of Decision : 12-08-2014

Acts Referred:

Citation : (2014) 08 MEG CK 0010

Hon'ble Judges : T. Nandakumar Singh, J

Bench : Single Bench

Final Decision : Partly Allowed

Judgement

T. Nandakumar Singh, J.—Heard Mr. R Mazumdar, learned counsel for the petitioners and Mr. R Deb Nath, learned CGC appearing for the respondents No. 1-3.

2. At the very outset of the hearing, learned counsel for the petitioners strenuously contended that the present writ petition is squarely covered by the decision of the Gauhati High Court vide judgment and order dated 04.11.2010 passed in WP(C) No. 279(SH)2009 filed by the Nursing Assistants of Assam Rifles and also the judgment and order of the Gauhati High Court (Division Bench) dated 25.05.2012 passed in WA No.(SH)1/2011 filed by the respondents. Not only in the above cases but also this High Court in the different writ petitions and writ appeals had passed the judgments and orders that the Nursing Assistants of Assam Rifles are entitled to get nursing allowance under the different Memoranda discussed in the earlier writ petitions w.e.f. 01.08.1997 till the date of retirement in the case of retired Nursing Assistants.

3. The present writ petition is filed by 11 (eleven) retired Nursing Assistants for granting them the nursing allowance w.e.f. 01.08.1997. Learned counsel appearing for the parties also placed the copies of the said judgments and orders of the Gauhati High Court both Single Bench and Division Bench and also the judgment and order of this Court for perusal. It may be mentioned herein that

some of the judgments and orders of the Gauhati High Court are also annexed as Annexure-3 & 4 respectively in the present writ petition. This Court has given anxious consideration of mind to the earlier judgments and orders of the Gauhati High Court as well as this High Court and also the pleadings of the petitioners in the present writ petition and is of the view that the present writ petition is squarely covered by the said judgments and orders of the Gauhati High Court as well as this High Court. Accordingly, this writ petition is disposed of with a direction to the respondents to grant the nursing allowance to the writ petitioners w.e.f. 01.08.1997 till the date of their retirements as per orders dated 04.01.1988, 02.07.1998, 28.07.1998 and 19.11.2008 issued by the Ministry of Health and Family Welfare and the Office Memorandum dated 28.07.2009 issued by the Ministry of Home Affairs within a period of 6 (six) months from the date of receipt of a certified copy of this judgment and order.

4. Writ petition is allowed to the extent indicated above.