
(2014) 09 MEG CK 0004
In the Meghalaya High Court
Case No : WP (C) No. 322/2013

P.S. Rana

APPELLANT

Vs

The Union of India

RESPONDENT

Date of Decision : 24-09-2014

Acts Referred:

Citation : (2014) 09 MEG CK 0004

Hon'ble Judges : T. Nandakumar Singh, J

Bench : Single Bench

Final Decision : Allowed

Judgement

T. Nandakumar Singh, J.—Heard Mr. H. Bezbarua, learned counsel for the petitioners and Mr. A. Khan, learned CGC appearing for the respondents.

2. This writ petition is squarely covered by the decision of this Court (Justice T. Nandakumar Singh, J.) dated 19.08.2013 passed in WP (C) No. 193/2013 filed by the Nursing Assistants of Assam Rifles. The copy of the judgment and order of this Court dated 19.08.2013 passed in WP (C) No. 193/2013 is also placed before this Court by the learned counsel appearing for the parties. In the judgment and order of this Court dated 19.08.2013 passed in WP (C) No. 193/2013, had discussed the issue as to whether the said writ petition filed by the Nursing Assistants of Assam Rifles is squarely covered by the earlier decision of the erstwhile Gauhati High Court (Division Bench) dated 25.05.2012 passed in WA No. (SH)1/2011 filed against the judgment and order of the learned Single Judge, allowing the writ petition i.e. WP (C) No. (SH)279/2009 filed by the Nursing Assistants of Assam Rifles and this Court by the said judgment and order dated 19.08.2013 held that the writ petition filed by the Nursing Assistants of Assam Rifles is squarely covered by the Division Bench of the erstwhile Gauhati High Court dated 25.05.2012 passed in WA No. (SH)1/2011. Mr. A Khan, learned CGC appearing for the respondents submitted that the respondents had also filed Writ Appeals against the subsequent order passed by the learned Single Bench of this Court (High Court of Meghalaya) that

the writ petition filed by the Nursing Assistant of Assam Rifles is squarely covered by the judgment and order of the Division Bench of the erstwhile Gauhati High Court dated 25.05.2012 passed in WA No. (SH)1/2011 before the Division Bench of this High Court and the Division Bench of this Court (High Court of Meghalaya) vide common judgment and order dated 11.07.2014 passed in WA No. 31/2014 and batch dismissed the Writ Appeals filed by the respondents. Learned counsel appearing for the parties also placed the common judgment and order of the Division Bench of this Court (High Court of Meghalaya) dated 11.07.2014 passed in WA No. 31/2014 and batch before this Court for perusal.

3. Learned counsel appearing for the parties are not disputing that the present writ petition is also squarely covered by the earlier judgment of this Court (Justice T. Nandakumar Singh, J.) dated 19.08.2013 passed in WP (C) No. 193/2013, which had been upheld by the Division Bench of this Court (High Court of Meghalaya).

4. In the above factual backdrop, this writ petition is disposed of with a direction that the benefit of the earlier judgment and order of the erstwhile Gauhati High Court dated 25.05.2012 passed in WA No. (SH)1/2011 and judgment and order of the Division Bench of this Court (High Court of Meghalaya) dated 11.07.2014 passed in WA No. 31/2014 and batch shall be extended to the present writ petitioners. In other words, the present writ petitioners are entitled to the Nursing Assistant allowance in terms of the Notification dated 22.09.2009 issued by the Govt. of India, Ministry of Home Affairs Directorate General of Assam Rifles and the benefit shall be granted to the present writ petitioners within a period of six months from the date of receipt of a certified copy of this judgment and order.

5. Writ petition is allowed.