
(2017) 12 MEG CK 0012
In the Meghalaya High Court
Case No : 48 of 2017

Shri. Viresh Kumar,

APPELLANT

Vs

The Union of India

RESPONDENT

Date of Decision : 08-12-2017

Acts Referred:

Citation : (2017) 12 MEG CK 0012

Hon'ble Judges : S.R.Sen

Bench : Single Bench

Advocate : S.C.Chakrawarty, E.Slong, R.Debnath

Judgement

1. Heard Mr. S.C. Chakrawarty, learned Sr. counsel assisted by Ms. E.Slong, learned counsel on behalf of the petitioner. Also heard Mr.

R.Debnath, learned CGC on behalf of the respondents.

2. The petitioner's case in a nutshell is that:

The petitioner was recruited as a General Duty Recruit personnel with the Assam Rifles with effect from 26.08.2008, having

A.R.No. G/5015827H Rect/GD, and he was sent for training. His enrolment was done after being duly examined by the authorized

and competent medical examiner.

The petitioner reported at the Assam Rifles Training Centre and School, Dimapur (Nagaland) on 08.08.2008 under the direction of

the respondent No. 4. During the training period in March, 2009 the petitioner's right leg got fractured for which he was admitted at

the Composite Hospital, Assam Rifles at Sukhoi, Nagaland. Thereafter, the petitioner was sent to the District Hospital, Dimapur

where he got his right leg plastered and about four months later the plaster was

opened by the doctor in the month of July, 2009.

Then the petitioner returned to the Assam Rifles Training Centre and School and the respondents placed him in medical category

without subjecting to training. In the month of August, 2009 the petitioner was sent to 165 Military Hospital, Nagaland, for

examination and from there he was referred to 151 Base Hospital, Guwahati, but from Assam Rifles Training Centre and School he

was sent there only in the month of April, 2010 and certified to be in Shape I. Thereafter, upon the completion of medical treatment,

the petitioner returned to Assam Rifles Training Centre and School and he recommenced his training but after 15 days the petitioner

was discharged on 15.05.2010 by the Discharge Certificate dated 10.05.2010 on the sole ground that his stay at the Assam Rifles

Training Centre and School was exceeding 24 months.

The petitioner could not immediately seek legal redressal because he was not knowing the fact that he has the right to seek legal

redressal and only after the petitioner recently has been informed that other recruits Shri. Anil Kumar Yadav and Shri. Bal Krishnan

Yadav who have joined in the same year with the petitioner and have been similarly discharged, have been taken back in service after

their discharge was set aside by the judgment and order dated 13.02.2014 in the Writ Petition (Civil) No. 208 of 2013 and the

consequent judgment and order dated 26.02.2015 in the Writ Appeal No. 25 of 2014 and Order dated 16.06.2015 in the Writ

Petition (Civil) No. 288 of 2015 of this Honourable High Court.

The Discharge Policy of recruits of Assam Rifles does not specifically stipulate that if any recruit stays for more than 24 months at the

Assam Rifles Training Centre and School then he must be compulsorily discharged.

Now the humble petitioner is most respectfully praying before this Honourable High Court that his discharge from Assam Rifles may

also be kindly set aside and quashed with directions to the respondents to take the petitioner back in service.

3. Both the learned counsels for the parties submit that the grievance of the petitioner has already been addressed by the respondents. Learned

CGC has filed and moved an additional affidavit annexing the copy of the Provisional Appointment letter as Annexure-I, wherein it is stated that in

compliance to the order of this Court, the respondents had revisited their earlier decision and on approval of the competent authority, the

Provisional Appointment letter has been issued by the Assam Rifles Training Centre and School being No.I.12011/260/Rec/Vireshkumar-Appt

Letter/2017/01, dated 6th December, 2017.

4. From the additional affidavit filed as referred above by the learned CGC, it appears that the petitioner got his Provisional Appointment letter.

Therefore, nothing survives to proceed with the case further.

5. Accordingly, the matter is closed and stands disposed of.