

HIGH COURT OF MEGHALAYA
AT SHILLONG

WA No. 3 of 2024

Date of order: 13.03.2024

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1. The 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,
Shillong, Meghalaya – PIN 973011.
 3. The Commandant 1st Assam Rifles,
C/o 99 Apo PIN-932001.

Vs

1. No. G/0110677N Havildar/GD Gopal Dev Bhatt ...**Respondent**
2. The Group Commander, 29 Special Composite Group,
National Security Guard, Action Area-III,
Chandkanthal Beria, PO – Kulberia, Rajarhat,
New Town, Kolkata – 743502. ... **Proforma Respondent**

Coram:

Hon'ble Mr. Justice S. Vaidyanathan, Chief Justice
Hon'ble Mr. Justice W. Diengdoh, Judge

Appearance:

For the Appellants : Dr N. Mozika, DSG with
Ms A. Pradhan, Adv.

For the Respondent : Mr B. Pathak, Adv.

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| i) | Whether approved for
reporting in Law journals etc.: | Yes/No |
| ii) | Whether approved for publication
in press: | Yes/No |
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J U D G M E N T

(Made by Hon'ble, the Chief Justice)

When the matter is taken up for hearing, learned DSG for the appellants-Union of India submitted that they have no objection in reconsidering the ACR after communicating the same to the writ petitioner/respondent herein. However, the observation made by the learned Single Judge in paragraph No. 7 of the order stands in the way of the appellants to move forward. The observation in paragraph No. 7 reads as follows:

“7. It is further directed that should the entries be upgraded in consideration of the representation, the respondent authorities shall constitute a review DPC for grant of the consequential reliefs, if any on the basis of the above. The entire exercise shall be completed within a 6(six) months from the date of receipt of the representation.”

2. According to the appellants, the writ petitioner was treated as dead wood and discharged from service at the age of 55. While considering the representation of the writ petitioner in case of favourable decision, Service Review Board alone can take a decision with regard to continuation of service beyond 55 years and not with regard to grant of promotion and other benefits.

3. Learned counsel appearing for the writ petitioner-respondent herein, who virtually appeared before this Court submitted that the representation made by the writ petitioner is still pending and no decision has been taken thereon. If the Service Review Board constituted by the appellants considers the representation of the writ petitioner after taking into account the un-communicated ACR and in

case of favourable decision, a time frame may be fixed for the Board to pass appropriate orders thereon.

4. Taking note of the submissions of both the parties, paragraph 7 of the order dated 20.04.2023 passed by the learned Single Judge is modified to read as under:

“7. It is further directed that should be entries be upgraded in consideration of the representation, the respondent authorities shall constitute a Service Review Board for grant of extension of service and other benefits, if any, and such exercise shall be completed within a period of four months from the date of receipt of a copy of the representation, if not already made, which shall be made by the writ petitioner within two weeks from the date of receipt of a copy of this order. A decision should be taken on the representation after hearing the writ petitioner either in person or virtually.”

5. With the above modification, WA No. 3 of 2024 is disposed of.

(W. Diengdoh)
Judge

(S. Vaidyanathan)
Chief Justice

Meghalaya
13.03.2024
“Sylvana PS”