

**HIGH COURT OF MEGHALAYA**  
**AT SHILLONG**

WP (C) No.478/2021

Date of Order: 02.05.2024

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1. Ex No.G/2200866L Hav/GD Prasad T.R.
  2. Ex No.M/370921W Hav/NA Sathyan G
  3. Ex No.G/2900632 Hav/GD Rajendra Singh
  4. Ex No.361396K Hav/Clerk Anujan
  5. Ex No.S/355029F Hav/Orl Jacob Mathew
  6. Ex No.354988L Hav/Orl Hari Nath Ray
  7. Ex No.36166P Naib Subedar/ Clerk Thyaga Rajan V
  8. Ex No.2301370X Havildar/GD Ashok Kumar ..... Petitioners

Vs.

1. 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, Head Quarter Mahanideshalaya Assam Rifles Shillong, Meghalaya Pin 973011.
3. The Inspector General Assam Rifles (South), Head Quarter I.G.A.R. (S), C/O 99 APO.
4. The Commandant, 35<sup>th</sup> Assam Rifles, C/O 99 APO Pin 932035.
5. The Commandant 41<sup>st</sup> Assam Rifles, C/O 99 APO Pin 932041.

..... Respondents

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**Coram:**

**Hon'ble Mr. Justice S. Vaidyanathan, Chief Justice**

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**Appearance:**

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| For the Petitioners | : Mr. B. Pathak, Adv                                |
| For the Respondents | : Dr. N. Mozika, DSGI with<br>Ms. L.M.D. Marak, Adv |

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**ORDER**

The present writ petition has been filed with the following relief:

“In the premises aforesaid, it is therefore, prayed that Your Lordships would be pleased to admit the petition, call for the records, issue rule calling upon the respondents to show cause as to why a writ in the nature of mandamus/certiorari directing the respondents to consider the case of the petitioners in terms of the Policy bearing No.I.11011/Retiring Pension/Policy/Law/2021/961 dated 06 September 2021 and I.1020/Pen Sec/01 Dec/2021/068 dated 08 November 2021 (Annexure 9 & 10) by which the respondent authority cancelled the retirement orders who are proceedings on pension in Low Medical Category (LMC) and to consider reinstatement of the petitioners for regular service with all consequential benefits and after hearing the parties, perusing the records including the causes shown, if any, shall further be pleased to make the rule absolute and/or pass such further or other order or orders or directions that Your Lordships may deem fit and proper.”

2. Several petitioners including the present petitioners have approached this Court for the relief and all the writ petitions were dismissed on 15.03.2016, the present petitioner was concerned in WP (C) No.59 of 2015. All others except the present petitioners preferred an appeal which was allowed and the writ petition was restored to file. On remand, 21 petitioners excluding the present petitioners got favourable

order. Against the order of dismissal dated 15.03.2016, the present petitioners has not filed any writ appeal and in so far it is concerned, it has attained finality. For the same relief, another writ petition has been filed in 2021, which is now tried by this Court.

3. The main contention of the respondents is that once the writ petition was dismissed and has attained finality for the same relief, another writ petition is not maintainable and the same is hit by *res judicata*. I find much force in the contention of Dr. N. Mozika, learned counsel appearing for the respondents.

4. During the course of arguments, both learned counsel presented the order of this Court dated 05.04.2024 passed in WP (C) No.291 of 2023 extending the relief to the similarly placed persons like the petitioner. Dr. N. Mozika submitted that the relief granted in the said writ petition will be extended to the present writ petitioners also. Learned counsel for the petitioners fairly submitted that since there appears to be hindrance on account of the principle of *res judicata*, the benefit of the orders dated 05.04.2024 passed in WP (C) No.291 of 2023 and dated 09.04.2024 passed in WP (C) No.181 of 2023, may be extended to the petitioners also. As the respondents have agreed to the extent of the benefit of the order for the present petitioners, if otherwise found eligible. The present writ petition is disposed of by directing the

respondents to complete the exercise in terms of the orders of this Court dated 05.04.2024 passed in WP (C) No.291 of 2023 and dated 09.04.2024 passed in WP (C) No.181 of 2023 as expeditiously as possible within four months from today.

**(S. Vaidyanathan)**  
**Chief Justice**

Meghalaya  
02.05.2024  
"*Lam* DR-PS"