

GAHC010087382022



**THE GAUHATI HIGH COURT**  
**(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)**

**Case No. : WP(C)/3016/2022**

VISHNU PRATAP SINGH  
S/O- SHRI SHIVMURAT SINGH, R/O- VILLAGE- BARGO, P.S. SAHJANWA,  
P.O.- BHAISHLA SAHJANWA, DIST.- GORAKHPUR- 273209 (U.P.).

VERSUS

UNION OF INDIA AND 8 ORS.  
REP. BY THE SECY. TO THE GOVT. OF INDIA, MINISTRY OF RAILWAYS,  
RAIL BHAWAN, 1 RAISANA ROAD, NEW DELHI- 110001.

2:THE CHAIRMAN  
RAILWAY BOARD  
RAIL BHAWAN  
1  
RAISANA ROAD  
NEW DELHI-110001.

3:DIRECTOR GENERAL  
RPSF  
RAILWAY BOARD  
RAIL BHAWAN  
1 RAISANA ROAD  
NEW DELHI-110001.

4:DIRECTOR / SECURITY ( ABE)  
RAILWAY BOARD  
RAIL BHAWAN  
1 RAISANA ROAD  
NEW DELHI-110001.

5:INSPECTOR GENERAL  
RPSF

RAILWAY BOARD  
RAIL BHAWAN  
1 RAISANA ROAD  
NEW DELHI-110001.

6:CHIEF SECURITY COMMISSIONER  
N.F. RAILWAY  
MALIGAON  
GHY.-11.

7:SC-CUM-PRINCIPAL  
RPF/TC/MKG  
MOKAMAGHAT  
PATNA  
BIHAR- 803303.

8:COMMANDING OFFICER  
1ST BN/RPSF/ LMG  
DIST.- NAGAON  
ASSAM.

9:COMMANDING OFFICER  
2BN/RPSF/ GKP  
GORAKHPUR- 273001

**Advocate for the Petitioner** : MR H MAURYA, MR. M MALAKAR,MS A KALITA

**Advocate for the Respondent** : ASSTT.S.G.I., MR. S K MEDHI

**BEFORE  
HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR**

**ORDER**

**Date : 25.11.2024**

Heard Mr. H. Maurya, learned Counsel for the petitioner. Also heard Mr. S.K. Medhi, learned Counsel appearing for the respondents.

The petitioner by way of instituting the present proceedings has prayed for directions upon the respondent authorities for regularization of a period of 499 days with effect from 19.06.2015 to 19.09.2016, when he had to remain out of his service on account of he being discharged from his service. The petitioner has further prayed for release of his stipend/wages/salary for the said period of 449 days.

The petitioner herein on his selection for appointment as constable in the Railway Protection Special Force (RPSF), was required to report for training at STC/1BN/RSPF, Lumding. The petitioner accordingly reported for his such training and his training commenced w.e.f 17.11.2014. The training period having been undergone, the petitioner was slated to attend the passing out parade which was scheduled on 15.06.2015. However, on 31.05.2015, the petitioner was withdrawn from the said training program and he was further not permitted to appear in the examinations held. The petitioner was thereafter served with an order dated 19.06.2015 and therein on account of misrepresentation made by him in his Attestation form, the petitioner was discharged from his services.

Being aggrieved the petitioner approached this Court by way of

instituting writ petition being WP(C) No. 4030/2015. The Co-ordinate Bench of this Court gave a final consideration to the said writ petition and vide order dated 22.04.2016 proceeded to allow the said writ petition by interfering with the impugned order of discharge of the petitioner. This Court further directed the respondents to facilitate the petitioner to continue with his training and thereafter to induct him as a Constable in the Railway Protection Security Force. It was further provided vide the order dated 22.04.2016, that consequent upon quashing of the discharge order, the petitioner should also be paid the dues to which he was otherwise entitled while undergoing the training.

In pursuance to the directions passed by this Court vide order dated 22.04.2016 in WP(C) No. 4030/2015, the respondent authorities vide the communication dated 09.09.2016 required the petitioner to report to the training centre for his passing out parade, which was scheduled on 10.09.2016. The petitioner in compliance with the stipulations as made in the said communication dated 09.09.2016, appeared before the designated authority on 10.09.2016 and attended his passing out parade, which was held on 16.09.2016.

The above facts would go to reveal that the petitioner was again re-inducted into the RPSF service with effect from 10.09.2016.

After participating in the passing out parade on 16.09.2016, the petitioner was further deputed to undergo field training. It is to be noted that the petitioner on completion of his field training was posted with effect from 10.12.2016 as a Constable in 2BN/RPSF/Gorakhpur.

The petitioner thereafter, approached the respondent authorities

praying for regularization of the period when he was under the order of discharge i.e. w.e.f 19.06.2015 to 09.09.2016. In response to such approach made by the petitioner, the respondent authorities vide communication dated 27.02.2019 intimated to the petitioner that there were no dues pending for release to him w.e.f the date of his discharge from training till his reinstatement that is w.e.f 19.06.2015 to 09.09.2016, as he had not undertaken any work/training during the said period. It was further contended in the said communication dated 27.02.2019 that the seniority of the petitioner, herein, was already fixed along with his batch mates at the appropriate place and steps were taken to grant pay protection and other consequential benefits to the petitioner, however without any back wages. Being aggrieved the petitioner has instituted the present proceedings with reliefs as noticed herein above.

The learned counsel for the petitioner has reiterated the fact as noticed herein above. The learned counsel for the petitioner has fairly submitted that the petitioner has not raised any grievance with regard to the fixation of his seniority, pay and allowances, along with his batch mates w.e.f 01.08.2015 and the petitioner in the present proceedings is only praying for release of his stipend/wages that would have accrued to him in the event he had continued in service for during the period 19.06.2015 to 09.09.2016 in terms of the directions passed by this Court vide order dated 22.04.2016 in WP(C) No. 4030/2015.

Per contra Mr. S. K. Medhi, learned Counsel for the respondents has submitted that the relief prayed of by the petitioner in the present proceedings would not merit any consideration, in as much as, the

respondent authorities have already fixed the seniority of the petitioner w.e.f 01.08.2015, maintaining parity with that of his batch mates and the pay and allowances of the petitioner was also fixed w.e.f 01.08.2015 notionally. Accordingly, it was submitted that the petitioner would not be entitled to claim any stipend/salary for the period w.e.f 19.06.2015 to 09.09.2016 and that the writ petition would not be called upon to be considered on merits.

I have heard the learned counsel for the parties and perused the materials available on record.

It is an admitted position that the petitioner on account of certain misrepresentation made by him in his Attestation form came to be discharged from his service, while undergoing training w.e.f 19.06.2015. However, such discharge of the petitioner came to be interfered with by this Court vide order dated 22.04.2016 passed in WP (C) No. 4030/2015. Thereafter, the petitioner was re-inducted into his service and after completion of the passing out parade on 16.09.2016, the petitioner was deputed to undergo field training. On completion of the period of training, the petitioner was appointed against a post of Constable w.e.f 10.12.2016. The Co-ordinate Bench of this Court vide order dated 22.04.2016 while directing for re-induction of the petitioner into his training had provided that the petitioner would also be paid his dues which he is otherwise entitled while undergoing training.

The respondents have in their affidavit filed in the present proceedings taken a categorical stand that the petitioner had already completed his training, before he was discharged from his services w.e.f 19.06.2015 and he was not required, on his re-induction on 10.09.2016, to undergo any

further training and accordingly, the petitioner was not entitled to any stipend/salary for the period he had remained out from his services on account of being discharged from his services. A perusal of the affidavit filed by the respondents in the matter would go to reveal that the petitioner on being re-inducted into his service was not required to undergo further training and on completion of his field training, was appointed as a Constable. Thereafter, the seniority of the petitioner was fixed w.e.f 01.08.2015, maintaining parity with his batch mates.

Further the petitioner's pay and allowances were also fixed w.e.f 01.08.2015 notionally, and his salaries were so released w.e.f 10.09.2016. The seniority of the petitioner having being so fixed from 01.08.2015 and his pay and allowances also being so fixed by reckoning his date of appointment as 01.08.2015, the period for which, the petitioner in the present proceedings, has claimed stipend/wages, that is the period w.e.f 19.06.2015 to 09.09.2016, is subsumed within the period now reckoned by the respondent authorities for fixation of the seniority, pay and allowances of the petitioner herein, on his appointment against the post of Constable.

The petitioner having been granted all his service benefits pursuant to being re-inducted into service w.e.f 10.09.2016, by fixing his date of appointment as 01.08.2015, and such fixation not being under challenge in the present proceedings, this Court is of the considered view that the petitioners grievance has been redressed by the respondent authorities in the manner noted herein above and accordingly, the petitioner would not be entitled to claim any salary/wages for the period w.e.f 19.06.2015 to 09.09.2019.

In view of the above conclusions drawn by this Court in the matter, the writ petition is held to be devoid of any merit and accordingly the same stands dismissed.

However, there would be no order as to cost.

**JUDGE**

**Comparing Assistant**