

GAHC010134772023



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

Case No. : Review.Pet./97/2023

DHARANI DHAR KALITA
LATE JANMI RAM KALITA, RESIDENT OF RAM KRISHNA MISSION ROAD,
ULUBARI, P.O.- GOPINATH NAGAR, GUWAHATI- 781016, ASSAM.

VERSUS

UNION OF INDIA AND 6 ORS.
REP. BY THE SECRETARY TO THE GOVT. OF INDIA, MINISTRY OF HOME
AFFAIRS, NORTH BLOCK NEW DELHI- 110001.

2:THE DIRECTOR GENERAL
CENTRAL RESERVE POLICE FORCE
HEADQUARTER
CGO COMPLEX
PRAGATI VIHAR
NEW DELHI- 110003.

3:THE INSPECTOR GENERAL (PROV. AND COMM)
CENTRAL RESERVE POLICE FORCE
HEADQUARTER
CGO COMPLEX
PRAGATI VIHAR
NEW DELHI- 110003.

4:THE DIG
(COMMUNICATION)
CENTRAL RESERVE POLICE FORCE
HEADQUARTER
CGO COMPLEX
PRAGATI VIHAR
NEW DELHI- 110003.

5:THE ADIGP
SGC
CRPF
PRESENTLY KNOWN AS DIGP
CTC (T AND IT) CRPF
RANCHI
JHARKHAND
PIN- 827001.

6:THE DIGP (OPS)
CRPF
AGARTALA
TRIPURA
PIN- 799001.

7:THE ADIGP (PERS)
OFFICE OF THE DIRECTOR GENERAL
CRPF
CGO COMPLEX
LODHI ROAD
NEW DELHI
PIN- 110003

Advocate for the Petitioner : MR. P K ROYCHOUDHURY

Advocate for the Respondent : DY.S.G.I.

Linked Case : WP(C)/9547/2019

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NEW DELHI

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Advocate for : MR. A CHAMUAH

Advocate for : ASSTT.S.G.I. appearing for UNION OF INDIA AND 6 ORS.

BEFORE

HONOURABLE MR. JUSTICE DEVASHIS BARUAH

ORDER

Date : 14-03-2024

1. The instant review application has been filed seeking review of the order dated on 09.01.2023 passed by this Court whereby this Court taking into account the stand taken by the Respondents in the affidavit more particularly at paragraph No.7, observed that the grievances of the Petitioner have been already redressed and as such the writ petition had become infructuous. It is relevant to take note of that the said order dated on 09.01.2023 was passed in absence of the counsel for the petitioner, as the counsel did not appear when the matter was taken on board by this Court.

2. Thereupon, the Petitioner filed an appeal i.e. Writ Appeal No.160/2023 and the learned Division Bench of this Court did not interfere with the said order dated 09.01.2023 passed by this Court. However liberty was granted to the petitioner to file the review against the order dated on 09.01.2023. It is under such circumstances the instant review application has been filed.

3. Pursuant to the filing of the instant review application, this Court vide an order dated 21.08.2023 issued notice. The Respondents filed a detailed affidavit stating inter-alia that the IGP(Communication) Directorate General CRPF vide Sanction order No. P-III-1/2018-C/7 dated 03.12.2018, sanctioned pension and other pensionary benefit to the petitioner and he had got pension at the rate of Rs.22,450.00/- per month as per the 7th CPC vide the letter dated 22.07.2019 and on account of the sanction of the pension, the petitioner also received various amounts:

i). Pension arrear with effect from 01.04.2008 to 31.03.2019 amounting to

Rs.16,15,379/-; DCRG payment Rs.2,50,428/- and CGEGIS Rs.18,540/-;

ii). Pension arrear with effect from 01.04.2019 to 31.12.2019 amounting to Rs.2,02,362/- passed by RPAO dated 08.03.2020 and paid to the petitioner;

iii). Residual DCRG amounting @ Rs.63,855/- and the residual commutation at the rate of Rs.77,632/- as per the 7th CPC was paid to the petitioner.

4. It was mentioned in the said affidavit that the petitioner by filling the writ petition sought re-calculation of the retiral benefit, pension etc. as per the 7th CPC and interest at the rate of 6% per annum upon the amount due since 2008 till actual payment. It was mentioned that all retiral and pensionary benefits have been paid to the petitioner as per the 7th CPC.

5. Pursuant to the filing of said detailed affidavit-in-opposition, this Court granted opportunity to the petitioner to file any reply inasmuch as it was the specific stand of the Respondents that all dues have been duly paid. In spite of several opportunities, the Petitioner did not file any reply.

6. Today when the matter was taken up, Mr. P .K. Roychoudhury, the learned counsel submitted that the petitioner as per the affidavit has received all the dues however the petitioner should be granted interest for the period from 2008 to the date of actual payment.

7. This Court had duly taken note of the contents of the writ petition. The said writ petition does not conceive of any such pleadings or even the relief which have been sought for. The entire edifice of the case of the petitioner in the writ petition was that on account of the application of the 7th pay commission, the entitlement of the Petitioners was much higher and thereupon, upon adjudication, if the Petitioners was entitled to the higher amount, the petitioner sought for interest at the rate of 6% on such higher amounts.

8. Under such circumstances it is the opinion of this Court, the said relief which have been sought for by the learned counsel for the petitioner cannot be accepted in the instant review proceedings as the same goes beyond the scope of review.

9. Accordingly this Court finds no merit in the instant review application for which the same stands dismissed.

JUDGE

Comparing Assistant