

GAHC010159912023



undefined

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

Case No. : WA/277/2023

NARENDRA SINGH,
S/O- SHRI SURYA NARAIN SINGH,
R/O- VILL- KARANA, P.S. ARA MUFFASIL,
DIST- BHOJPUR, STATE- BIHAR.

VERSUS

1.UNION OF INDIA AND 4 ORS.
REP. BY THE SECRETARY,
MINISTRY OF HOME AFFAIRS, NEW DELHI.

2:THE DIRECTOR GENERAL OF POLICE
CENTRAL RESERVE POLICE FORCE
LODHI ROAD C.G.O. COMPLEX NEW DELHI.

3:THE INSPECTOR GENERAL OF POLICE
CRPF NORTH EAST SECTOR
STONY HEAVEN BISHOP COTTON ROAD NO-0364
SHILLONG MEGHALAYA.

4:DEPUTY INSPECTOR GENERAL
CENTRAL RESERVE POLICE FORCE
UDARBAND DAYAPUR SILCHAR ASSAM.

5:COMMANDANT
CENTRAL RESERVE POLICE FORCE 136
BATTALION NALBARI ASSAM

For the Appellant : Mr. Y.S. Mannan, Advocate.

For the Respondent(s) : Mr. K.K. Parasar, Central Government Counsel.

– BEFORE –
HON'BLE THE CHIEF JUSTICE MR. VIJAY BISHNOI
HON'BLE MR. JUSTICE N. UNNI KRISHNAN NAIR

21.11.2024

(Vijay Bishnoi, CJ)

Heard Mr. Y.S. Mannan, learned counsel appearing for appellant. Also heard Mr. K.K. Parasar, learned Central Government Counsel appearing for the respondents.

This writ appeal is preferred on behalf of the appellant being aggrieved with the order dated 28.06.2023 passed by the learned Single Judge in WP(C) No.2783/2018, whereby the learned Single Judge has partly allowed the writ petition filed on behalf of the appellant and interfered with the order of compulsory retirement dated 22.10.2009 passed by the respondent No.4, i.e. the Deputy Inspector General of Police, CRPF, Dayapur, Udharband, Silchar, Cachar, while exercising the revisional powers under Rule 29 of the Central Reserve Police Force Rules, 1955.

The learned Single Judge, while interfering with the order passed by the respondent No.4, has taken into consideration the fact that the appellant was out of service from last more than 13 years since the date of passing of the order of compulsory retirement dated 22.10.2009 and is around 53 years of age, the direction to reinstatement in service cannot be issued.

The learned Single Judge has observed that for the ends of justice and for balancing the equities, it is ordered that the appellant shall be notionally treated to be in service till the date of judgment and the pensionary benefits of the appellant be re-computed, whereafter, the arrear pension be released to him after adjusting the pension, if not already paid to him as per the punishment order dated 22.10.2009. The learned Single Judge has clarified that in other words, by virtue of the order, the appellant shall be deemed to have retired from service w.e.f. the date of judgment i.e. 28.06.2023. The learned Single Judge has denied the claim of the back wages of the

appellant on the salutary principle of "no work no pay".

After attempting to argue the matter for quite some time, Mr. Y.S. Mannan, learned counsel appearing for the appellant, on instruction, has submitted that he does not want to press this writ appeal since the order impugned was passed by the learned Single Judge on equities and to meet the ends of justice. However, he has prayed that so far as the pension and other pensionary benefits of the appellant are concerned, the respondents be directed to pay the same and clear all the dues within a time-frame.

At this stage, Mr. K.K. Parasar, learned Central Government Counsel appearing for the respondents has fairly submitted that the pension and other pensionary benefits of the appellant, if not already paid to him till date, shall be paid within the time-frame fixed by this Court.

In view of the above submissions, this writ appeal is dismissed as not pressed. However, the respondents are directed to pay the pension and other pensionary benefits to the appellant as directed by the learned Single Judge within a period of 4(four) months from the date of production of a certified copy of this order, if not already paid to him.

If the pension and other pensionary benefits of the appellant are not paid to the appellant within the stipulated time-frame, the respondents shall have to pay the interest @9% per annum on the delayed payment.

JUDGE

CHIEF JUSTICE

Comparing Assistant