

GAHC010232512023



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

Case No. : I.A.(Civil)/136/2024

UNION OF INDIA AND ORS
REP. BY THE SECY, MINISTRY OF HOME AFFAIRS, JAISELMER HOUSE, 26,
MAN SINGH ROAD, NEW DELHI, PIN-110011

2: THE DIRECTOR GENERAL

BORDER SECURITY FORCE
CENTRAL GOVT. OFFICE COMPLEX
LODHI ROAD
NEW DELHI
PIN-110003

3: THE INSPECTOR GENERAL

BORDER SECURITY FORCE
SHILLONG
MEGHALAYA
PIN-793006

4: THE COMMANDANT

128 BATTALION
BORDER SECURITY FORCE
PATGAON
GUWAHATI
ASSAM
PIN-78101

VERSUS

EX- CONSTABLE, FORCE NO. 89008021 NIRMAL KUMAR SHARMA
SON OF SHRI PREM NATH SHARMA, VILL KUNDE LALOWAL, PO JANGAL,
TEHSIL GURDASPUR, DIST GURDASPUR, PUNJAB, PIN 143521

For the applicant (s) : Mr. H. Gupta, CGC

For the respondent (s) : Mr. H. Bezbaruah, Advocate

**BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH**

ORDER

Date : 04.03.2024

The instant application has been filed by the applicants who were respondents in WP(C) No.2626/2011 seeking clarification to the judgment and order dated 17.08.2023, more particularly to paragraph No.23.

2. This Court having perused the said judgment and more particularly paragraph No.23 is of the opinion that there has been an inadvertent error in omission of the work '**not**' in the penultimate sentence of paragraph No.23. Therefore, the sentence "*This Court further directs that during this period from 30.04.2003 till date, the petitioner would be entitled to any of the benefits such as salary, promotion etc. but the said period till date shall be taken into consideration for computing the pensionary benefits of the petitioner.*" should be read as "*This Court further directs that during this period from 30.04.2003 till date, the petitioner would not be entitled to any of the benefits such as salary, promotion etc. but the said period till date shall be taken into consideration for computing the pensionary benefits of the petitioner.*"

3. The instant order shall be a part of the judgment and order dated

17.08.2023 passed in WP(C) No.2626/2011.

4. In view of the above, the instant I.A. stands disposed of.

JUDGE

Comparing Assistant