

GAHC010282312023



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

Case No. : WP(C)/7252/2023

MD BABUJAN ALI
S/O LT. SURAT ALI R/O VILL. GOTLONG
P.O. KALIABHOMORA
P.S. TEZPUR DIST. SONTIPUR ASSAM 784027

VERSUS

THE UNION OF INDIA AND 3 ORS
MINISTRY OF DEFENCE THROUGH ITS SECRETARY SOUTH BLOCK NEW
DELHI 110001

2:DIRECTOR GENERAL OF SUPPLIERS AND TRANSPORT
QUARTERMASTER GENERAL S BRANCH
INTEGRATED HEAD QUARTER OF MINISTRY OF DEFENCE ARMY DHQ
NEW DELHI 110105

3:ARMY SERVICE CORPS (ASC) RECORDS SOUTH
THROUGH ITS OFFICER IN CHARGE BANGALORE 900493 C/O 56 APO

4:5104 ARMY SERVICE CORPS BN (MECHANICAL AND TRANSPORT)
THROUGH ITS COMMANDING OFFICER MISSAMARI DIST. SONITPUR
905104 C/O 99 AP

Advocate for the Petitioner : MR N PATIRI, MR. A KHOUND, MS. M SHARMA

Advocate for the Respondent : DY.S.G.I., MRS. R DEVI

BEFORE
HONOURABLE MR. JUSTICE KARDAK ETE

ORDER

Date : 27-08-2024

Heard Mr. N. Patiri, learned counsel for the petitioner. Also heard Ms. R. Devi, learned C.G.C., appearing for the respondents Union of India and its officials.

2. By filing this Writ Petition, the petitioner has prayed for a direction to the respondent authorities to grant the 3rd MACP benefits i.e. on completion of thirty (30) years of regular service, w.e.f. 20.08.2015, instead of 08.08.2017 and the pension benefits under the said scheme. The petitioner also prayed for a direction to pay the arrear salary and other allowances i.e. gratuity, DA, HRA, etc. and other consequential benefits w.e.f. 20.08.2015.

3. During the pendency of the present Writ Petition, the respondent Union of India has stated that the decision has already been taken to consider the grievances of the petitioner, by taking the service of the petitioner w.e.f. 20.08.1985. The financial benefits that would now accrued to the petitioner in the matter, is being computed and processed for release. However, it has been stated that some time would be required to release the entitlements, as has already been decided by the respondents, to the petitioner. Accordingly, this Court on 02.08.2024, granted another fifteen (15) days time to the learned C.G.C., to place on record the time frame, within which the dues of the petitioner would be released.

4. However, today the learned C.G.C., while reiterating the stand of the Union of India that the respondents have already taken the decision to consider the service of the petitioner w.e.f. 20.08.1985, the financial benefits that would now accrued to the petitioner, is being computed and processed for release, the learned C.G.C., prays for another three (3) months time to release the

entitlements to the petitioner.

5. Considering that the grievance raised by the petitioner has already been considered and decision has been taken to the effect that the entitlements of the petitioner will be released, except the time frame within which the same shall be released, I deem it appropriate to direct the respondent authorities to release the due arrears and other entitlements to the petitioner, within a time frame.

6. Accordingly, having considered above and keeping the matter pending would not serve any purpose, the present Writ Petition is disposed of with a direction to the respondent authorities to release the due arrears and other entitlements to the petitioner, within a period of six (6) weeks from today.

7. The Writ Petition stands disposed of, accordingly.

JUDGE

Comparing Assistant