

**IN THE HIGH COURT OF MANIPUR
AT IMPHAL**

WP(C) No. 84 of 2023

Braham Prakash & ors.

... Petitioners

Vs.

Union of India & ors.

... Respondents

**B E F O R E
HON'BLE MR. JUSTICE AHANTHEM BIMOL SINGH**

O R D E R

10-03-2025

Heard Mr. N. Ibotombi, learned senior counsel assisted by Mr. Ningtamba, learned counsel appearing for the petitioners and Mr. B.R. Sharma, learned CGSC appearing for the respondents.

At the outset, both the counsel appearing for the parties submitted that the issue raised in the present writ petition is somewhat similar to the issue raised and decided by this court in WP(C) No. 675 of 2022. By a judgment and order dated 30-04-2024 passed by this court in WP(C) No. 675 of 2022, the said writ petition had been disposed of by granting the relief to those petitioners. The operative portion of the said judgment are as under:-

“19. The decision in Dineshan K.K. (supra) has been relied by various High Courts including this Court and the erstwhile common Gauhati High Court and the matter has attained finality. The facts of the present case is also similar with the case of Dineshan K.K.”

“20. From perusal and detail analysis of the judgments passed by Hon'ble Supreme Court, Gauhati High Court and Meghalaya High court in the above cited cases of Dineshan K.K., order dated 22.09.2011 in WA No. 50 (SH) 2010 and order dated 08.05.2014 in WP(C) No. 56 of 2013 respectively, this court is of the firmed view that the petitioners herein are also entitled to the similar reliefs. Accordingly, the respondents are directed to grant/ upgrade the ranks of the petitioners to the post of Warrant Officers (Radio Mechanic) in Assam Rifles equivalent to ASI (Radio Mechanic) in BSF/ ITBP/CRPF with pay scale of Rs. 4000-6000 with effect from their initial entry level in terms of Ministry of Home Affairs

Notification dated 22.01.1998 with all consequential reliefs. The direction shall be complied within a period of three months from the date of receipt of a copy of this order.”

Mr. N. Ibotombi, learned senior counsel appearing for the petitioners submitted that the present writ petition can be disposed of by granting similar reliefs as has been granted by this court in the aforesaid writ petition.

Mr. B.R. Sharma, learned CGSC appearing for the respondents fairly submitted that the facts and circumstances raised in the present writ petition and those in WP(C) No. 675 of 2022 are somewhat similar, however, the learned CGSC submitted that the said judgement has been assailed by the parties by filing a writ appeal and the same is still pending. The learned CGSC, however, did not raised strong objection to the disposal of the present writ petition in terms of the earlier direction given by this court in the aforesaid WP(C) No. 675 of 2022 in its judgment dated 30-04-2024.

The present writ petition has been filed seeking the following, inter alia, relief:-

“(iii) to issue a writ in the nature of Certiorari for quashing the order dated 31/10/2022 (Annexure –A12) issued by the Respondent No. 4 (Directorate General, Assam Rifles) as the same is against the law laid down by the Hon’ble Supreme Court as well as by different High Courts;

“(iv) to issue a writ in the nature of Mandamus directing the respondents to grant appropriate ranks, pay scale and status to the petitioners at par with other Central Police Organisation introducing the rank of Naik Operator at the entry grade with effect from 01/01/1986 in the scale of pay of Rs. 950-20-1150-25-1400 and revised pay scale with effect from 01/01/1996 when the rank of Naik Operator is merged with Head Constable/ Havildar with all consequential benefits in the light of the order dated 10/10/1997 issued by the Joint Secretary, Government of India, Ministry of Home Affairs as per the recommendation of the 5th Pay Commission and Office Memorandum dated 22/01/1998.”

Taking into consideration the submissions advanced by the learned counsel appearing for the parties and on perusal of the record,

this court is of the considered view that the present writ petition can be disposed of in terms of the earlier direction given by this court in its judgment dated 30-04-2024 in WP(C) No. 675 of 2022. Accordingly, the present writ petition is disposed of with the following directions:-

- (i) The respondents are directed to consider for grant of appropriate ranks, pay scale and status to the petitioners at par with other Central Police Organisation introducing the rank of Naik Operator at the entry grade with effect from 01-01-1986 in the scale of pay of Rs. 950-20-1150-25-1400 and revised pay scale with effect from 01-01-1996 when the rank of Naik Operator was merged with Head Constable/ Havildar with all consequential benefits in the light of the order dated 10/10/1997 issued by the Joint Secretary, Government of India, Ministry of Home Affairs as per the recommendation of the 5th Pay Commission and Office Memorandum dated 22-01-1998.
- (ii) The said direction should be completed by the authorities within a period of six months from the date of receipt of a certified copy of this order. Consequently, the impugned order dated 31-10-2022 (Annexure – 12) issued by the respondent No. 4 is also quashed and set aside.

With the aforesaid directions, the present writ petition is disposed of.

JUDGE

Devananda