

IN THE HIGH COURT OF MANIPUR

AT IMPHAL

WP(C) No. 328 of 2024

1. Kartar Singh (M-370933), aged about 65 years, Ex. WO/Pharmacist, S/o Shankar Das VPO-Khudla, Tehsil-Baldwara District-Mandi, Himachal Pradesh-175033, at present residing at C/o A. Leila Devi, Khurai Chingangbam Leikai, P.O. – Lamlong, P.S. – Porompat, Imphal East, Manipur.
2. Bhavikshan Tiwari (JC-370222L), Ex. Sub. Maj/Pharmacist, resident of Nazirpur, District Madhubani, Bihar-847215.
3. K. Gopala Krishna Pillai, (JC-370296A), Nb. Sub/Pharmacist, resident of Thereepurathu House Elippakkulam, P.O. Pallickal, District – Alappuzha, Kerala-690503.
4. P.K. Chandrashekhara Kurup, (M-370049), Ex. Hav./Pharmacist, Mazhuvadithekkathil Aickad P.O. Kodumon, District-Pathanamthitta, Kerala-691555.
5. Omkar Singh Rana, (M-370964) Ex. Hav/Pharmacist, resident of Singhowal, P.O. – Dagan, Teshil – Mukerian, District-Hoshiarpur, Punjab-144221.
6. T.K. Rajasekharan Nair, (M-370263), Ex. Hav/Pharmacist, S/o Thekkedathu House, (Kairali), Kallissery, P.O.- Chengannur, District-Allapuzha, Kerala-689124.
7. K.E. Skaria (JC-370035), Ex. Nb. Sub/Pharmacist, resident of Kaipampulath House Kottanad, P.O. Madathumchal, District-Kerala-689615.
8. SREKUMARAN NAIR. V (JC-370320L), EX. NB SUB/Pharmacist, resident of Vini Mandiram, TC 7/73, Mulavoor Lane, Kallampally, P.O. Medical College, Thiruvananthapuram, Kerala-695011.
9. P. Podiyan, (JC-370261K), Ex Subedar Maj/Pharmacist, resident of House No. 016/553 Ward Name-Peringalloor, House No. Benny Cottage, Edamulackal, P.O. – Ayoor, District-Kollam, Kerala-691533.
10. Shyam Datt Pathak, (M-370118), Ex. Hav/Pharmacist, Kothera, Tehsil-Gangolihat, District Pithoragarh, Uttarakhand-262522.
11. Ak. Sukumaran Achary, (M-370050) Ex. Hav/Pharmacist, represented by his legal Wife namely KG Vijayamma resident of Acharyparampil, House Pnadanadu, P.O.-Pandanadu, District- Alleppey, Kerala-689506.
12. Kapoor Chand Verma, (M-370965N), Ex. WO/Pharmacist, resident of Khabal, P.O. Urla, Tehsil-Padhar, District-Mandi, Himachal Pradesh-175015.

13. Purushothaman Nair MS, (M-370351), Ex. WO/Pharmacist, represented by his legal wife namely Suseela Kumari P G resident of Pournami Iravon, P.O. – Konni, District-Pathanamthitta District, Kerala-689691.
14. Sardhanand Mishra, (JC-370210W), Ex. Sub. Maj/Pharmacist, S/o (L) Jagdish Mishra resident of Quarter No. 322, War No. 15, Mahadev Chowk Araria, District-Araria, Bihar-854311.
15. Chandrashekara Kurup, (M-370181), Ex. Hav/Pharmacist, represented by his legal wife namely Thankamani Kurup resident of Pazhanjiyil Karthika Bhavan, P.O.-Kozhencherry, District-Pathannamthitta, Kerala-689641.
16. Raveendra Kurup V, (M-370282A), Ex. Su. Maj/Pharmacist, resident of Ratheesh Bhavanam Puli-East, P.O.-Thazava, District-Kollam, Kerala-690523.
17. Subhash Chand Chauhan, (JC-370360), Ex. Sub/Pharmacist, represented by his legal wife namely Sharda Rani, resident of Rakh, P.O.- Kiarwan, Tehsil-Dhira, District-Kangra, Himachal Pradesh-176084.
18. G. Kamalakaran, (M-370339), Ex. Hav/Pharmacist, represented by his legal wife namely Rani V. Resident of Gandharam Mahadevikadu, P.O.-Karthikappally, District-Allappi, Kerala-690516.
19. V. Tulsi Nair, (JC-370499), Ex. Sub/Pharmacist, resident of Prasthuthy, Ward-20, No. 457/H Saraswathy Enclave Karipoor, Malayinkeezhu, P.O.- Thiruvanthapuram, Kerala-695571.
20. Joseph T.A., (JC-370341), Ex. Nb. Sub/Pharmacist, resident of Thayil House Pallathupady Thiruvandoor, P.O.-Thiruvalla, Kerala-689109.
21. K.P. Divakaran, (JC-370212), Ex. Sub/Pharmacist, resident of Diva Nivas, Poorvattoor, East P.O.-Kalayapuram, District-Kollam, Kerala-691560.
22. Subhash Chand, (M-370799L), Ex. Hav/Pharmacist S/o Hukam Chand resident of Kherki Sarurpur Kalan, District-Baghat, Uttar Pradesh, Pin No. 250619.
23. Harpool Singh, (M-370372F), Ex. Hav/Pharmacist, resident of Swami Ki Dhani, P.O. Rajpura Th-Laxmangr, District-Sikar, Rajasthan-332401.
24. Jagdish Pal, (M-370471K), Ex. Hav/Pharmacist, S/o Balmukand Sharma resident of House No. 7C Ashok Vihar Colony Kansepur Road Yamunanagar, District-Yamunanagar, Haryana-135001.

..... Petitioner/s

- Versus -

1. The Union of India, represented by Secretary to Ministry of Home Affairs, Government of India, North Block, New Delhi-1.
2. The Director General Assam Rifles, Laitkor, Shillong-Pin No. 793010.

.....Respondent/s

With

WP(C) No. 145 of 2018

1. Shri Sadasivan C.S. (M/370530 L), Ex. Hav (Pharmacist), aged about 70 years S/o Sreedharan C.K. of Chooravayalil (H) Pangada, P.O. Kottayam, Kerala, Pin-686502.
2. Shri Remesan P.K. (M/370394A), Ex. Hav (Pharmacist), S/o (L) Karunakaran T.C. of Thyichirayil House Anaprampal-North, P.O. Thalavedy, District-Alleppey, Kerala Pin-689572.
3. Shri P. Thampachan, Ex370340, Hav (Pharmacist) S/o (L) P. Pappachan of Pushpam Pazhaveedu, P.O. Alappuzha, Pin-688009.
4. Shri Lal Chand Yadav, S/o Shiv Mangal Yadav of Bhaiya Ram, P.O. Tighra (Pipiganj), District-Gorakhpur, Uttar Pradesh.
5. Virendra Singh (Ex. No. M/370513L Hav. Pharmacist), S/o Ram Singh Verma of 799 Nand Lal Colony Near Mandap Guest House Jail Road, District-Fatehpur, UP.
6. P.C. Purushothaman (Ex No. 370355F) Nb/Sub (Pharmacist), S/o (L) P.C. Unniri of Pattayil Kinattingara Padam House, P.O. Azhinhilam Farook College, Malappuram, Kerala.
7. Pradeep Kumar, Ex.Hav (Pharmacist), S/o Ramlalit of Nagwa Village, P.O. Jaitpur, District-Gorakhpur, U.P.
8. Binod Kumar Balmiki (Ex. M/370241) Hav (Pharmacist).
9. Bhaskaran K.R., Ex. Naib/Subedar.
10. K.V. Raveendran Pillai, Ex. M/370218 Hav. (Pharmacist), S/o N. Velayudhan Pillai of Pradeep Bhavan, Muthupilakkad, P.O. Muthupilakkad East, Kollam District, Kerala.
11. Daya Shankar Shrivasta, Ex. JC-370281 Subedar (Pharmacist), S/o (L) Ramgulam of Nekpur Chaurasi (Near City School), P.O. Fatehgarh, District-Farrukhabad, U.P.

..... Petitioner/s

- Versus -

1. The Union of India, represented by Secretary to Ministry of Home Affairs, Government of India, North Block, New Delhi-1.
2. The Director General Assam Rifles, Laitkor, Shillong-Pin No. 793010.

.....Respondent/s

With

WP(C) No. 928 of 2017

1. M/5010656 WO/Pharmacist, Waikhom Daoji Singh aged about 36 years, S/o (L) W. Achou Singh, 25th Assam Rifle Pin 932025 C/o-99 APO.
2. M/371124 WO/Pharmacist, Ekramuddin Khan S/o Mohammad Khan, 8th Assam Rifle Pin 932008 C/o-99 APO.
3. M/371125 WO/Pharmacist, K. Karthikeyan S/o S. Kaliyamoorthy, ARCH C/o-99 APO.
4. M/371123 WO/Pharmacist, T. R. Saravanan S/o K. Rajarethinam, 13th Assam Rifle Pin 932013 C/o-99 APO.
5. M/371358 WO/Pharmacist, Kamal Kant S/o Shri Piara Lal, ARCH C/o-99 APO.
6. M/371455 WO/Pharmacist, Santhosh Kumar S/o (L) Arjnan Pilai, 32 Assam Rifle Pin 932032 C/o-99 APO.
7. M/371416 WO/Pharmacist, Pankaj Seth S/o Sureah Chand Seth, ARTC & S C/o-99 APO.
8. M/371458 WO/Pharmacist, AK. Tikendrajit Singh S/o AK. Nobo Singh, 39th Assam Rifle Pin 932039 C/o-99 APO.
9. M/5010672 WO/Pharmacist, Soibam Somendro Singh S/o Soibam Brajabidhu Singh, 37th Assam Rifle Pin 932037 C/o-99 APO.
10. M/5025785 WO/Pharmacist, Salam Benerjit Singh S/o Salam Bijoykumar Singh, 44th Assam Rifle Pin 932044 C/o-99 APO.

- Versus -

B E F O R E
HON'BLE MR. JUSTICE A. GUNESHWAR SHARMA

JUDGMENT & ORDER (CAV)

[1] Heard Mr. Kh. Lupenjit, learned counsel for the petitioners and Mr. Kh. Samarjit, learned DSGI assisted by Mr. N. Nongdamba, learned counsel for the Union of India. Since all these writ petitions involved similar issues, they are heard together and are being disposed of by this common order.

[2] **In WP(C) No. 328 of 2024:** The brief fact of the case is that the petitioners initially joined as Rifleman in the Assam Rifles. Thereafter, they passed the Pharmacist Course from Armed Forces Medical Services and were enrolled as Pharmacist before 1986 and some later on. The petitioners were remustered and granted the rank of Havildar/Pharmacist and later, some of the petitioners had been promoted to Nb/Subedar, Subedar and Sub/Maj and they had served under the Assam Rifles and now they all are retired.

[3] Writ petition being WP(C) No. 154 of 2016 was filed by one Arvind Kumar Singh & 2 Ors. praying for upgradation/re-designation of the post of Havildar/Pharmacists to the post of Warrant Officer along with a grant of pre-revised scale of Rs. 4500-7000 with effect from 01.01.1986 and was disposed of on 11.05.2017. In compliance to the order dated 11.05.2017 passed in WP(C) No. 154 of 2016, the Director General of Assam Rifle issued an order dated 31.10.2017 that the competent authority had

upgraded and re-designated the post of Havildar/Pharmacist in Assam Rifles to the rank of Warrant Officer in pre-revised scale of Rs. 4500-7000 with effect from 01.01.1996.

[4] Writ petitions being WP(C) Nos. 597 of 2018 & 598 of 2018 have been filed by the petitioners to issue a writ of mandamus directing the respondents to grant Naib Subedar (Nb/Sub) as per parity of grade and rank (Sub Inspector) with other counterparts in CRPF and ITBP which was allowed and upheld by the Hon'ble supreme Court in the following pay and allowances with effect from their date of joining:

- (a) 4th CPC 1400-40-1800-50-2300 (from 17.10.1989 to 31.12.1995)
- (b) 5th CPC-5000-9000 (01.01.1996 to 09.10.1997) 5500-9000 (10.10.1997 to 28.03.2004) and extent the financial benefits.

[5] Similarly WP(C) No. 149 of 2017 has been filed by the petitioners to issue a writ of mandamus directing the respondents to comply the letter dated 30.09.2006 issued by the Additional Law Officer for IG Assam Rifles and to implement the approved recommendation of the Fast Track Committee for grant of financial upgradation under MACP Scheme and in regard to the entry Grade pay of Pharmacist in Assam Rifles and for providing up-gradation of the petitioners to the rank of Nb/Sub with Grade Pay of Rs. 4200/- to the petitioners with effect from 01.01.2006 as already implemented in other similarly situated Central Paramilitary Forces/Central

Police Organisations. Since, the issues involved in the connected writ petitions being WP(C) Nos. 597 of 2018, 598 of 2018 & 149 of 2017 are same, they were disposed of on 23.01.2020.

[6] In compliance to the judgement and order dated 23.01.2020 passed in WP(C) Nos. 597 of 2018, 598 of 2018 & 149 of 2017, the Directorate of Assam Rifle had issued an order dated 05.01.2024 in which the competent authority had re-designated the post of Warrant Officer/Pharmacist in Assam Rifles to the rank of Naib Subedar/Pharmacist at entry grade pre-revised pay scale of Rs. 1400-2300 (Revised Rs. 5500-9000) to the person enrolled upto 28.03.2004 at par with Indo Tibetan Border Police and Central Reserve Police Force.

[7] Petitioner No. 8 submitted a representation dated 25.01.2024 to the Director General of Assam Rifles requesting for extension of benefits obtained through court to similarly placed employees and in reply to the said representation, it is intimated that the Directorate has implemented the entry of Naib Subedar (Pharmacist) enrolled upto 28.03.2004 only to the petitioners as per Court's order.

[8] It is submitted that the present petitioners being similarly situated persons with the petitioners in WP(C) Nos. 597 of 2018, 598 of 2018 & 149 of 2017, the respondents should have extended the financial benefits in their retirement as issued in the order dated 05.01.2024 in which the competent authority had re-designated the post of Warrant Officer/Pharmacist in Assam Rifles to the rank of Naib Subedar/Pharmacist at entry grade pre-revised pay scale of Rs. 1400-2300 (Revised pay Rs. 550-

9000) to the person enrolled upto 28.03.2004. However, the authority had denied to grant the benefits only on the ground that the present petitioners were not in the list of the petitioners in WP(C) Nos. 597 of 2018, 598 of 2018 & 149 of 2017.

[9] It is submitted that there is no similar petition has been filed or pending disposal in this Court or any other Courts except petitioner No. 22 has filed WP(C) No. 158 of 2015 praying for directing the respondents for extension of retirement benefits to the petitioner in respect of order dated 31.10.2017 of the Directorate of Assam Rifles, Shillong thereby giving the rank of Warrant Officer w.e.f. 01.01.1996 and during the pendency of the said writ petition, an order was issued for granting the rank of Nb/Subedar as initial rank to other similarly situated person and as such, the said writ petition being WP(C) No. 158 of 2015 was withdrawn with liberty to file a fresh one.

[10] The prayer in WP(C) No 328 of 2024 is reproduced below:

“Prayer

In view of the above facts and circumstances, it is most respectfully prayed that Your Lordships may graciously be pleased to:

- (i) *Issue a Rule-in-Nisi;*
- (ii) *Make the Rule Absolute;*
- (iii) *Issue a writ of mandamus or any other appropriate writ of the like nature directing the respondents to extent the benefits thereby granting the re-designation to the rank of Naib Subedar (NB/SUB) as Initial Rank (wef 01.01.1986 or from the date of enrolment) and subsequently to Subedar and Subedar Major with all the financial benefits along with arrear.*
- (iv) *Pass such order/orders or direction/directions as this Hon'ble Court may deem fit and proper to secure the ends of justice.”*

[11] The respondents have not file any counter affidavit.

[12] In WP(C) No. 145 of 2018: The brief fact of the case is that the petitioners had served under the Assam Rifles and were enrolled before 1986 and some later on and now all are retired.

[13] On contrary to the order dated 11.05.2017 passed in WP(C) No. 154 of 2016 as compliance the authorities have only given benefits to the petitioners in WP(C) No. 154 of 2016 and some others thereby leaving out the present petitioners.

[14] The authorities of Assam Rifles issued an order 28.06.2016 in compliance of the judgment and order dated 23.08.2012 passed by the Hon'ble Gauhati High Court, Shilong Bench in WP(C) No. 227 of 2010 (Radha Krishnan Nair KM & Ors. –vs- UOI & Ors.) conveyed sanction of the competent authorities to bring parity in respect of rank structure and pay of the Assam Rifles Clerical Cadre at par with other CPOs a rank of Assistant Sub-Inspector (Warrant officer) rank in Assam Rifles at the entry grade w.e.f. 01.01.1986 in scale of pay of Rs. 1320-2040/- (revised 4000-6000/- w.e.f. from 1996 to all personnel of the Clerical cadres who were in service as on 01.01.1986 and who were enrolled after upto 28.10.2002). It is submitted that if the Clerical cadres are given the rank of Assistant Sub-Inspector (Warrant Officer) rank w.e.f. 01.01.1986 then the present petitioners should also be given Assistant Sub-Inspector (Warrant Officer) rank w.e.f. 01.01.1986 and as such the financial benefits are to be given to the present petitioners.

[15] The Directorate of Assam Rifle issued an order dated 08.04.2017 conveying the approval of the Ministry of Home Affairs vide

letters dated 02.09.2016, 06.03.2017 and 05.04.2017 for implementation of Fast Track Committee recommendations regarding revised pay structure of the common category posts of Pharmacist cadre in Assam Rifle thereby giving upgradation of grade pay of Rs. 4200/- in PB-2 on non-functional basis after 2 years of service in grade pay of Rs. 2800/-. As such, the same benefits for upgradation of grade pay of Rs. 4200/- in PB-2 vide order dated 08.04.2017 of the Directorate of Assam Rifle should also be extended to the present petitioners from the date after 2 years of service in the grade pay of Rs. 2800/-.

[16] The prayer in WP(C) No 145 of 2018 is reproduced below:

“Prayer

In view of the above facts and circumstances, it is most respectfully prayed that Your Lordships may graciously be pleased to:

- (i) Issue a Rule-in-Nisi;*
- (ii) Make the Rule Absolute;*
- (iii) Issue a writ of mandamus or any other appropriate writ of the like nature directing the Respondents to conduct necessary process for Up-gradation/re-designation of Warrant Officer (W/O) to the rank of Naib Subedar (NB/SUB) as Initial Rank (wef 01.01.1986 or from the date of enrolment) and subsequently to Subedar and Subedar Major.*
- (iv) Pass such order/orders or direction/directions as this Hon'ble Court may deem fit and proper to secure the ends of justice.”*

[17] Respondents have filed affidavit-in-opposition stating that while approving the report of the 6th CPC, the pay scale of the common category post of Pharmacist was one of the items referred to the committee. The recommendations of the Fast Track Committee regarding the pay scale of the common category post of Pharmacist since been received, the committee recommended that the entry Grade of Pharmacist in the Central

Government should remain at grade pay of Rs. 2,800/- in the Pay Band-1 (Rs. 5200-20200). However, on completion of 2 years service in the entry grade, all the incumbents be granted non-functional upgradation to the next higher grade having grade pay of Rs. 4200/- in the pay band PB-2 (Rs. 9300-34800). However, same was not implemented in Assam Rifles owing to difference in the requisite educational qualification, duties and responsibilities and workload between the post of Pharmacist/ Havildar in Assam Rifles and Assistant Sub Inspector/ Pharmacist in other CAPP. Aggrieved from the non-implementation of the recommendations of the Fast Track Committee, Havildar (Pharmacist) Amir Singh of 30 Assam Rifles and 19 others filed Writ Petition (C) No. 820 of 2013 in the Hon'ble Manipur High Court, which was disposed of in favour of Petitioner vide Judgement and Order dated 20 August 2014. In compliance to the Hon'ble Court's order, Petitioners were upgraded to the rank of Warrant Officer equivalent to Assistant Sub Inspector in other CAPF with effect from 01 January 1996 including the pay scale of Rs. 4500-7000 (pre-revised 5th CPC scale). Thereafter, as many as seven cases were filed in various Hon'ble Courts seeking same prayer as that of Writ Petition (C) No. 820 of 2013 by the Pharmacists of Assam Rifles. Writ Petition (Civil) No. 154 of 2017 relied upon by the Petitioners is also one of them. Subsequently, the department submitted a proposal to the Ministry of Home Affairs to upgrade and re-designate all Pharmacists of the Force to the rank of Warrant Officer. The Ministry of Home Affairs based on the recommendations submitted by the department agreed to re-designate/up-grade the remaining 29 Pharmacist to the rank of Warrant Officer vide their UO No. 27013/01/2017.PF.IV dated

28 September 2017. Accordingly, HQ DGAR issued administrative order dated 31 October 2017 to re-designate remaining 29 Pharmacists from Havildar/Pharmacist to Warrant Officer with effect from 01 January 1996 or from the date of enrolment whichever is later. Thereafter, vide this Directorate Order dated 31 October 2017 the Petitioners of W.P. (C) No. 154 of 2016 as well as all similarly situated Pharmacists were upgraded to the rank of Warrant Officer in the pre-revised scale of Rs. 4500-7000/- with effect from 01 January 1996 i.e. the above pay scale is applicable w.e.f. 01 January 1996 and not 01 January 1986. The contention of the Petitioners as regards to the date of implementation in paragraph five of Writ Petition being 01 January 1986 is false. The Petitioners are trying to mislead the Hon'ble Court by intentionally stating the date of implementation as 01 January 1986. The educational qualification possessed by the Petitioners during the time of enrolment was not at par with the Clerical cadre, therefore, both the categories cannot be compared. Further, it is also stated that the Hon'ble Manipur High Court in Writ Petition (C) No. 820 of 2013 filed by Amir Singh vs. Union of India and others had noticed the disparity of educational qualification between the Pharmacist category of Assam Rifles and that of other CAPF and vide Order dated 20 August 2014 the Hon'ble Court disposed of the case with direction that "the Recruitment Rules for the post of Havildar (Pharmacist) in Assam Rifles as notified vide notification dated 28.2.2013 (Annexure-A/15) are interfered and set aside to the extent of stipulation of educational qualification only as 10th pass or equivalent, for appointment as Havildar (Pharmacist) in Assam Rifles, which according to us should be 10+2 Examination pass from a recognized Board or equivalent

and accordingly has to be read as such till appropriate amendment is made by the competent authority. Secondly, coming to the issue of revision of pay, as the respondents have failed to prove that the education qualification required for appointment as Pharmacist in the other Central Police Forces is higher than the Pharmacists in the Assam Rifles and there is no other valid reasons to deny pay parity, the case of the petitioners for up-gradation of the pay on the analogy of CPFs has to be re-examined by the authorities, which we direct to do so now, which exercise shall be completed within a period of six months from today". Therefore, in the light of the preceding paragraphs, the contention of the Petitioners that the Clerical cadres are given the rank of Assistant Sub Inspector (WO) with effect from 01 January 1986 hence, the present Petitioners should also be given the similar benefit is bereft of merit and liable to be dismissed.

[18] In WP(C) No. 928 of 2017: The brief fact of the case is that vide order dated 23.01.2017 issued by the Directorate of Assam Rifles, Shillong, conveying the approval of the competent authority for up-gradation/re-designation of the post of Havildar/Pharmacist in Assam Rifles to the Rank of Warrant Officer in the pre-revised scale of Rs. 4500-7000 with effect from 01.01.1996 or from the date of enrolment whichever is later in the light of the judgment and order dated 02.09.2016 passed in WP(C) No. 956 of 2015. The benefit was confined to the petitioner in that case. Thereafter, the post of petitioners (i.e. Havildar/Pharmacist) was re-designated as Warrant Officer (Pharmacist) on 16.03.2017 giving effect from the date of enrolment vide HQ DGAR (Administration Branch) order dated 23.01.2017

and further the HQ DGAR (Record Branch) order dated 10.03.2017 in the pre-revised pay scale of Rs. 4500-125-7000/-.

[19] Vide letter dated 14.01.2009, the Assam Rifle had taken a policy decision that all the civilian Pharmacist (exit with the organisation) in the Assam Rifles to convert into Combatant Pharmacist by offering the post of Nb/Subedar and another letter dated 18.11.2011 has offered the rank of Nb/Subedar to the Civilian Pharmacist (exit with the organization) for converting into Combatant Pharmacist (exist this organization) for converting into combatised Pharmacist while already existing some of the Combatant Pharmacist are only Warrant Officer. It is stated that the act of the official respondents of giving different rank and pay to Civilain Pharmacist and Combatised Pharmacist is malafide, arbitrary and may adversely affect the moral of the Combatant Pharmacist as both the Civil Pharmacist and the Combatant Pharmacist have same qualification and the same is in violation of Article 14 of the Constitution of India.

[20] In case of Junior Engineer whose qualification is 10th pass with 3 years Diploma of Civil Engineer are being recruited in the rank of Nb/Subedar as initial rank in the Assam Rifles. Whereas, in case of Pharmacist even their qualification is 12th (Science) pass with Diploma + 3 months training and also who have 10+2+4 year Degree in Pharmacy were given only the rank of Warrant officer. The DGAR offering rank of Nb/Sub to Nurses (GNM) who has basic educational qualification of 12th of any stream with 3 years Diploma in Nursing (GNM) as compared to Pharmacist serving in the Assam Rifles.

[21] One JC-M/370492 Sashikant Ram (SC) was promoted to Naib Subedar from the post of Havildar Pharmacist in the year 2001 and was further promoted to the rank of Subedar in the year 2009 and subsequently to Subedar major in the year 2012 and the said Sashikant Ram (SC) is quite junior to some of the petitioners and had been promoted directly to Nb/Subedar without holding the post of Warrant Officer. But in the case of the present petitioners, who have been re-designated as Warrant Officer enjoying the pay scales of Nb/Subedar from the date of enrolment which is much senior to Sashikant Ram (SC), no such promotion has been given to the petitioners.

[22] The prayer in WP(C) No 928 of 2017 is reproduced below:

“Prayer

In view of the above facts and circumstances, it is most respectfully prayed that Your Lordships may graciously be pleased to:

- (i) *Issue a Rule-in-Nisi;*
- (ii) *Make the Rule Absolute;*
- (iii) *Issue a writ of mandamus or any other appropriate writ of the like nature directing the Respondents to conduct necessary process for Up-gradation/re-designation of Warrant Officer (W/O) to the rank of Naib Subedar (NB/SUB) as Initial Rank (wef date of enrolment) and subsequently to Subedar and Subedar Major.*
- (iv) *Pass such order/orders or direction/directions as this Hon'ble Court may deem fit and proper to secure the ends of justice.”*

[23] The respondents have filed counter affidavit taking similar as taken in the counter affidavit in WP(C) No. 145 of 2018. However, it is pointed out that the petitioners herein were co-petitioners in WP(C) No. 956 of 2015 filed by Hav/Pharm. Soibam Somorendro Singh & Ors. v. Union of India before this Court. After availing the full benefits of the judgment and

order dated 02.09.2016 passed in WP(C) No. 956 of 2015, the petitioners have filed the present writ petition for up-gradation and re-designation of Warrant Officer to the rank of Naib Subedar as initial rank with effect from the date of enrolment and subsequently to Subedar Major without any base or reason/justification. It is stated that the petitioners are not similarly situated with the Clerical cadres of the Assam Rifles who are combatant Ministerial staff whereas the petitioners are combatant non-Ministerial staff. Their recruitments rules are also different. It is prayed that the writ petition be dismissed.

[24] Mr. Kh. Lupenjit, learned counsel for the petitioners submit that the present cases are covered by the common judgment dated 23.01.2020 passed by a learned Single Judge of this Court in WP(C) Nos. 597 of 2018, 598 of 2018 & 149 of 2017, whereby the Warrant Officer/Pharmacist in Assam Rifles were directed to be re-designated to the rank of Naib Subedar/Pharmacist (equivalent to Sub Inspector in other CAPF) as initial rank from the date of enrolment in Assam Rifles. It is pointed out that the present batch of writ petitions can be disposed of in terms of common judgment dated 23.01.2020. Learned counsel for the petitioners refers to the relevant para of the above-mentioned judgment and they are reproduced below for ready reference:

“36. Nothing has been produced by the respondents to show that the petitioners are not entitled to the same scale of pay and ranks given to the similarly placed person in CRPF and ITBP. The benefit of rationalisation as envisaged had to apply uniformly to members of CRPF, ITBP, Assam Rifles, NSG and CISF respectively.

37. Since the petitioners sought to re-designate the post of Warrant Officer/Pharmacist to the rank of Naib Subedar/Pharmacist

(equivalent to Sub Inspector in other CAPF) as initial rank from the date of their enrolment in Assam Rifles on the basis of pay scale of Rs.4500 125 7000 being merged with the pay scale of Rs.5500-175-9000, the said exercise cannot be done by this Court as it involves some exercise and it is for the respondent authorities to do the said exercise and consider the claim of the petitioners.

38. *From the pleadings produced by both sides, it appears that the petitioners who are members of Assam Rifles are prima facie entitled to the same scale of pay and ranks as has been given to their counterparts in CRPF and ITBP, As stated supra, since the petitioners sought to re-designate the post of Warrant Officer/Pharmacist to the rank of Naib Subedar/Pharmacist (equivalent to Sub Inspector in other CAPF), taking into consideration the nature of prayer now made by the petitioners, this Court directs the respondent authorities to do the said exercise and consider the claim of the petitioners in respect of grant of Naib Subedar as per parity of grade and rank with other counterparts in CRPF and ITBP more particularly in the light of the judgment of the Hon'ble Supreme Court, supra. If the respondent authorities are of the view that the petitioners are entitled to the grade and rank on a par with other counterparts as claimed, the respondents authorities may extend the said benefits to the petitioners.*

39. *In the result,*

(i) The writ petitions are allowed and the matters are remitted to the respondent authorities to grant the claim of the petitioners and pass orders in the light of the decision of the Hon'ble Supreme Court in respect of grant of Naib Subedar (Nb/Sub) as per parity of Grade and rank (Sub Inspector) with other counterparts in CRPF and ITBP with pay and allowances with effect from their date of joining as indicated in the writ petitions.

(ii) The said exercise is directed to be completed within a period of eight weeks from the date of receipt of a copy of this order.

(iii) No costs."

[25] Per contra, Mr. Kh. Samarjit, learned DSGI submits that the facts of the present cases are different from the common judgment dated 23.01.2020 as cited by the learned counsel for the petitioners. The petitioners are not similarly situated. It is also pointed out that the writ petitioners in WP(C) No. 928 of 2017 cannot file the present writ petition after having availed the full benefits of judgment dated 02.09.2016 in WP(C)

No. 956 of 2015 filed by them before this Court. It is prayed that writ petitions may be dismissed.

[26] Vide common judgment dated 23.01.2020 in a batch writ petitions being (i) WP(C) No. 597 of 2018: Nb/Sub/Pharmacist Asu Singh Rathore & Ors. v. Union of India & Anr,; (ii) WP(C) No. 598 of 2018: WO/Pharmacist Ak Tikendrajit Singh & Ors v. Union of India & Anr,; & (iii) WP(C) No. 149 of 2017: WO/Ph. V A Naidu & Ors. v. Union of India & Anr., a Co-ordinate Bench of this Court directed the respondents to grant Naib Subedar (Nb/Sub) of Assam Rifles as per parity of grade and rank (Sub Inspector) with other counter parts in CRPF and ITBP as upheld by Hon'ble Supreme Court. This Court has been apprised of the fact that the directions in the judgment dated 23.01.2020 have already been complied by the Assam Rifles by issuing orders dated 05.01.2024 and 22.08.2024

[27] Taking into consideration the submission 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 petitions can be disposed of by passing similar directions as in the common judgment and order dated 23.01.2020 passed by this Court in WP (C) No. 597 of 2018 with WP (C) No. 598 of 2018 & WP (C) No. 149 of 2017.

[28] Accordingly, the present writ petitions are disposed of with the following directions: -

- (i) the Respondents to extend the benefits thereby granting the re-designation to the rank of Naib Subedar (NB/SUB) as Initial Rank (w.e.f

01/01/1986 or from the date of enrolment) and subsequently to Subedar and Subedar Major with all the financial benefits along with arear to the petitioners.

(ii) The said exercise is directed to be completed within a period of 3 (three) months from the date of receipt of a copy of this order.

(ii) No costs.

JUDGE

FR/NFR

Kh. Joshua Maring

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