

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

WP(C) No. 351 of 2018

L. Seimang Kuki

Petitioner

Vs.

Union Of India

Respondents

**BEFORE
HON'BLE MR. JUSTICE AHANTHEM BIMOL SINGH**

19.06.2025

[1] Heard Mr. Kh. Lupenjit, learned counsel appearing for the petitioner and Mr. BR Sharma, learned CGSC appearing for the respondents.

[2] At the outset, the learned counsel appearing for the petitioner submitted that the issue raised in this present petition is squarely covered by the order dated 12.03.2025 passed by this Court in WP(C) No. 797 of 2021 and that the present writ petition can be disposed of by passing similar order.

[3] Mr. BR Sharma, learned CGSC also fairly submitted that the present writ petition can be disposed of by passing similar order dated 12.03.2025 passed in WP(C) No. 797 of 2021.

[4] The operative portion of the said order dated 12.03.2025 are produced here under;

"[2] At the outset, both the counsel appearing for the parties submitted that the issue raised in the present writ petition is similar to the issue raised and decided by this Court in WP (C) No. 675 of 2022 and other analogous cases. By a judgment and order dated 30.04.2024 passed by this Court in WP (C) No. 675 of 2022, the said writ petition has been disposed of by granting reliefs 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."

It has further been submitted by the learned counsel appearing for the parties that the present writ petition may be disposed of by passing similar order dated 10.03.2025 passed by this Court in WP (C) No. 84 of 2023.

[3] Mr. BR Sharma, learned CGSC appearing for the respondents fairly submitted that the facts and circumstances raised in the present writ petition and those in the above mentioned 2 writ petitions are similar except for trades of the petitioners. However, the learned CGSC submitted that the said judgments and orders have been assailed by the authorities by filing a writ appeal and the same is still pending. The learned CGSC further submitted that as similar writ petitions have been disposed of by this Court, the present writ petition may be disposed of by passing similar judgment and order passed by this Court.

[4] The present writ petition has been filed seeking the following inter-alia, reliefs:-

"iii. Issue a writ of certiorari or any other appropriate writ of the like nature for setting aside the Speaking order being No. A/Pers/II-04/SKT-MED/2018/468 dated

19/07/2018 was issued by Mahanideshalaya Assam Rifles, Directorate General Assam Rifles, Shillong-11."

"iv. Issue a writ of mandamus or any other appropriate writ of the like nature directing the Respondents to Up-gradation and re-designation of Havildar/Store Keeper Technical (Medical) to the rank of WO/ Store Keeper Technical (Medical) as Initial Rank (w.e.f. date of remustration) along with all financial benefits and arrears."

[5] *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 petition can be disposed of by passing similar order dated 10.03.2025 passed by this Court in WP (C) No. 84 of 2023.*

Accordingly, the present writ petition is disposed of with the following directions:-

- 1. The respondents are directed to consider the cases of the petitioners for up-gradation and re-designation of Havildar/Store Keeper Technical (Medical) to the rank of Warrant Officer/ Store Keeper Technical (Medical) as initial rank with effect from the date of their remustration along with all financial benefits in the light of the order dated 10.10.1997 issued by the Joint Secretary, Government of India, Ministry of Home Affairs and as per the recommendation of the 5th Pay Commission and Office Memorandum dated 22.01.1998.*
- 2. The said direction should be completed by the authorities within a period of 6 months from the date of receipt of a certified copy of this order. Consequently, the impugned order dated 19.07.2018 (A/10) issued by the respondent No. 3 is also quash and set aside."*

[5] Taking into consideration the submission advanced by the learned counsel appearing for the parties and on perusal of the records, this Court is of the considered view that the interests of justice will be served by issuing the following directions;

1. The respondent are directed to consider the cases of the petitioner for up-gradation and re-designation of Havildar/Store Keeper Technical (Engineering) to the rank of

Warrant Officer (Store Keeper Technical) (Engineering) as initial Rank with effect from the date of their remuneration along with all financial benefits in the light of the order dated 10.10.1997 issued by the Joint Secretary, Government of India, Ministry of Home Affairs and as per the recommendation of the 5th Pay Commission and Office Memorandum dated 22.01.1998.

2. The said direction should be completed by the authorities within a period of 6 months from the date of receipt of a certified copy of this order.

[6] With the aforesaid direction, the present writ petition is disposed of.

JUDGE

Lucy