



Serial No.12
Daily List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WA No.7/2025

Date of Order : 26.03.2025

JC-356629 W Subedar (Cipher) Rajib Kumar Sarkar, S/o (L) Rampada Sarkar, HQ IGAR (North), Signals Coy Inspector General Assam Rifles (North), C/o-99 APO, Pin-932554. ...Appellant

Vs.

1. The Union of India, represented by the Secretary to the Government of India, Ministry of Home Affairs, New Delhi-110001.
2. The Director General of Assam Rifles, Mahanideshalaya Assam Rifles, (Directorate General, Assam Rifles), Shillong, Meghalaya-793010.
3. The Headquarters, Inspector General Assam Rifles (North), C/o 99 APO, Pin-932554. ...Respondents

Coram:

Hon'ble Mr. Justice I.P. Mukerji, Chief Justice
Hon'ble Mr. Justice W. Diengdoh, Judge

Appearance:

For the Appellant	: Mr. B. Deb, Adv
For the Respondents	: Dr. N. Mozika, DSGI with Ms. K. Gurung, Adv

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| i) | Whether approved for reporting in Law journals etc.: | Yes/No |
| ii) | Whether approved for publication in press: | Yes/No |

Note: For proper public information and transparency, any media reporting this judgment is directed to mention the composition of the bench by name of judges, while reporting this judgment/order.



JUDGMENT: (per the Hon’ble, the Chief Justice) (Oral)

We formally admit this appeal. On hearing submissions of learned counsel for the parties, we are in a position to dispose of this appeal today itself on the papers in the memorandum of appeal.

In fact, this is really not an appeal but an application seeking clarification for implementation of the impugned judgment and order dated 18th February, 2025.

We dispose of this appeal by directing the respondents to calculate the “arrear bills” of the appellant within two weeks of communication of this order and to make payment to the appellant of the sum arrived at strictly in accordance with the communication of Lt.Col.OIC Legal Cell dated 19th September, 2024 at page 55 of the memorandum of appeal within a further period of four weeks from the date of generation of the “arrear bills”.

Learned counsel for the appellant prays for interest on this sum.

We are not in a position to grant the same for the reason that this matter was dealt with substantively by a learned single judge in an earlier writ petition [WP (C) No.144 of 2016] and disposed of by the order dated 13th April, 2023 directing grant of benefit to the appellant under the ACP/MACP provisions.



The entire reliefs that the appellant wanted including interest had to be claimed in the earlier proceedings, applying the principles in Order II, rule 2 of the Civil Procedure Code that the entire claim in respect of a cause of action has to be made in one proceeding. It cannot be split into several proceedings. In the earlier proceeding, there was no claim for interest. The Court had no occasion to consider it. Having omitted to claim it, the appellant cannot claim it now.

But we make it clear that if there is further delay in payment of the above dues of the appellant, the appellant will be entitled to claim interest in accordance with law in an appropriate proceeding.

The impugned judgment and order is affirmed with the above observations and clarifications.

The appeal is accordingly disposed of.

(W. Diengdoh)
Judge

(I.P. Mukerji)
Chief Justice

Meghalaya
26.03.2025
"Lam DR-PS"