Serial No. 33
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C). No. 408 of 2024

Date of Decision: 15.07.2025

AR-279 2IC, Second-In-Command,
Vasudevan Potty R.

…Petitioner

-Versus-

1. Union of India, represented by the Secretary, to the Government of India, Ministry of Home Affairs, New Delhi – 110011.

2. The Director General, Assam Rifles Directorate General Assam Rifles, Shillong, Meghalaya, Pin: 793010.

3. The Commander Head Quarter 28 Sector Assam Rifles C/O 99 APO.

…Respondents

Coram:

Hon'ble Mr. Justice H.S.Thangkhiew, Judge

Appearance:

For the Petitioner/Applicant(s) : Mr. V.Kumar, Adv.

For the Respondent(s) : Dr. N.Mozika, DSGI with Ms. M.Myrchiang, Adv.

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

JUDGMENT AND ORDER (ORAL)

1. The petitioner who is stated to be serving as 2IC, Second-In-Command for HQ 28 Sector, Assam Rifles is before this Court in this second round of litigation praying for suitable last leg posting. In the earlier round, this Court had directed the respondents to consider the request of the petitioner as per the Assam Rifles Transfer Policy. The respondents however, rejected the said prayer of the petitioner and though the petitioner re-submitted another representation dated 31-07-2024, this also was rejected by an order dated 19-09-2024, on the ground of want of vacancy.

2. Mr. V. Kumar, learned counsel for the petitioner has submitted that the petitioner as per the transfer policy of the Assam Rifles is at least entitled to be considered favourably for the last leg posting, but instead all his representations to this effect, have been rejected on the reason of want of vacancy, or that the Commandant in the said Sector was junior to the petitioner. He submits that the respondents at least may be directed to

reconsider the prayer and to post him anywhere in the vicinity of Dimapur wherein there are many units of Assam Rifles, as they have rejected all his earlier choices of posting.

3. Dr. N.Mozika, learned DSGI assisted by Ms. M.Myrchiang, learned counsel on behalf of the respondents, in reply has submitted that the respondents in pursuance to the orders of this Court and the representations, have given due consideration to the requests made by the writ petitioner and in this context, has referred to the order of the DGAR wherein it is shown that in the choice places of postings chosen by the writ petitioner, there is no vacancy. It is further submitted by learned DSGI that the writ petitioner is superannuating in the month of May, 2026, and as such, having less than a year of service, there is no practicability in transferring him to another station in the interest of the organisation.

4. Heard the learned counsel for the parties and also perused the materials, especially the orders of rejection which have been annexed to the writ petition. The petitioner, as noted, was commissioned into the Assam Rifles as Assistant Commandant on 19-03-2007, and as per the submissions, has maintained excellence in service on record and nothing adverse is known against him. Presently, the writ petitioner is posted at HQ 28 Sector, Assam

Rifles at Kakching (Manipur) since 19-12-2023, which is classified as moderate posting.

5. At this juncture, in consideration of the prayer of the writ petitioner, it would be relevant to refer to the policy contained in Record Office Instruction (ROI) No. 1/2016, wherein, with regard to last leg posting, at paragraphs 37 and 38, it has been given as follows:

> *"**Last Leg Posting (LLP)***
>
> *37. An indl can avail Last Leg Posting two to three years prior to his superannuation from service on attaining the age of 60 years. Last Leg posting will not be applicable to pers retiring or proceeding on voluntary discharge from service. It is clarified that provision of last leg posting is applicable only to those pers who would be retiring from service on completion of 60 yrs of age.*
> *38. It must be foremost endeavour to post the eligible persons to his desired place. The privilege of LLP is being considered for the fact that indls have rendered most part of their life in the service of Force and should not therefore be taken as matter of right. This may be done subject to availability of vacancy at the desired stations. Vacancy at the given stn, if administratively feasible may be created. However, this should not be done by prematurely posting of persons from the stations."*

6. A perusal of the above noted policy reflects that the same is not a vested right of a serviceman, but it is an endeavour on the part of the Assam Rifles, to extend this privilege on account of, and in consideration of the service rendered by the servicemen in the force. This factor therefore has to

be taken into consideration that there is no right of last leg posting vested with any serviceman, and that the respondents in their discretion can refuse, if the same is not administratively feasible or due to non-availability of vacancies at the desired station. In the instant case, the writ petitioner has represented for last leg posting since 2023 after being posted in the present station, which is over 2 years from his date of retirement which is due in May, 2026, and as such is as per the policy. However, on every representation, the places which have been requested by the writ petitioner for last leg posting have been rejected, but it is also noted that the respondents can create vacancies if the same is administratively feasible.

7. As such, in the instant case, this Court is of the view that the requests of the writ petitioner having been rejected repeatedly, the reason given that his retirement is near, cannot stand in the way of reconsidering his prayer for last leg posting. As Mr. V.Kumar, learned counsel for the petitioner had submitted that perhaps the writ petitioner may be posted in an area near about Dimapur, the respondents are therefore directed to consider the same within a period of 4(four) weeks from today. This direction comes in view of the fact that as noted above, that the writ petitioner had petitioned for last leg posting since the year 2023 and the same till date stands unresolved.

8. With the above directions, the writ petition accordingly stands disposed of.

Judge

Signature Not Verified
Digitally signed by
SAMANTHA ANNA LIYA
RYNJAH
Date: 2025.07.15 05:52:52 IST