

THE HIGH COURT OF TRIPURA
A G A R T A L A

CONT. CAS(C) NO.25 OF 2014

Petitioner :

Sri Dineshan K.K,
Son of Late Cochu Kunju K.S,
Karippakkuzhiyile House,
P.O. Puranattakara,
District- Thrissur,
Kerela-680551.

By Advocates :

Mr. S.M. Chakraborty, Sr. Advocate.
Ms. B. Chakraborty, Advocate.

Respondents :

- 1. Mr. Anil Goswami,**
Secretary to the Government of India,
Ministry of Home Affairs, North Block,
New Delhi-110001.
- 2. Lt. General R.K. Rana, SM VSM,**
Director General of Assam Rifles,
Mahanirdeshalaya,
Assam Rifles Directorate,
Shillong, Meghalaya-793011.
- 3. Mr. L.C. Goyel,**
Secretary to the Government of India,
Ministry of Home Affairs, North Block,
New Delhi-110001.

By Advocate :

Mr. A. Roy Barman, CGC.

B E F O R E
HON'BLE THE CHIEF JUSTICE MR. DEEPAK GUPTA

Date of hearing &
Judgment & Order : **03.8.2015**

Whether fit for reporting : **NO**

JUDGMENT & ORDER(ORAL)

The sole question involved in this petition is, whether
there is willful disobedience of the orders of this Court.

(2) The judgment which is alleged to have not been implemented by the contemnor herein was passed by a learned single Judge of the Agartala Bench of the Gauhati High Court in WP(C) No.497 of 2001.

Para 6 of the judgment reads as follows:

"In view of the above admitted position, this writ petition is disposed of with a direction that the Union of India's permission to re-designate the HV(RM) as Warrant Officer communicated by letter No.27011/103/97-PF.I dated 3.3.98 shall be carried out and the same pay scale as admissible to the counterparts in CRPF and BSF shall be given with effect from the same date and the rider stated therein shall have no effect and be ignored in view of the acceptance by Union of India that the members of Assam Rifles shall get same rank structure with that of other Central Police Organization. This direction shall be implemented within a period of three months from the date of this order. No cost."

The office memorandum dated 03.3.1998 referred to in the said judgment reads as follows:

**"No.27011/103/97-PF
Government of Tripura
Ministry of Home Affairs
New Delhi- 110001**

Dated: 03.3.1998.

Office Memorandum

Subject: Fixation of pay on rationalization of pay-scales with effect from 10.10.1997 in the Central Para Military Forces.

The Undersigned is directed to refer to DGAR's letter No.A/Pers/5th CPC/Vol. III/98 dated 19/8.02.1998 on the subjected cited above.

2. In this connection it may be stated that the orders dated 22.01.1998 are quite clear. If the pre-revised pay scales of HC(RM) in AR and revised pay-scales are identical to the pay scales of HC (RM) in BSF & CRPF etc., HC (RM) in AR can be redesignated as ASI or equivalent in AR.

**Sd/-
(A. Gopinathan)
Desk Officer"**

(3) It is not disputed that the petitioner has been granted this benefit w.e.f. 16.7.1998. The grievance of the petitioner is that benefit of this judgment has been given to him but only with effect from 16.7.1998 but he is entitled to the same w.e.f. 10.10.1997. The order dated 09.1.2009 whereby the re-designation has been made has been attached as Annexure-R/3 to the reply.

(4) In this document, I find that about 100 other personnel were granted this benefit from 10.10.1997 but some of them were granted it from a later date and in fact, the petitioner herein has

also been granted the same benefit from 16.7.1998. From the very same order I find that there are large number of persons who have been granted this benefit from a later date. It appears that there is no willful intention to disobey the order and there is some dispute between the parties as to from which date the petitioner is entitled to this benefit.

(5) Therefore, I am clearly of the view that the contempt petition should be closed but liberty is reserved to the petitioner to approach the appropriate Court claiming that he is entitled to the benefit of the judgment from 10.10.1997 and not from 16.7.1998 as has been awarded. In case, such petition is filed within 3(three) months from today the Union of India shall not be entitled to raise the plea that the same is delayed or time barred. It is made clear that this Court has not gone into the merits of the rival contention of the parties as to from which date the petitioner is entitled to this benefit.

(6) With these observations the contempt petition is closed.

CHIEF JUSTICE

Dipesh