

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

MONDAY, THE 3RD DAY OF AUGUST 2015/12TH SRAVANA, 1937

WP(C).No. 22407 of 2015 (A)

PETITIONER(S) :

1. SYMON T.T. AGED 51 YEARS
THOZHUTHUKARA HOUSE, PANATHADY, RAJAPURAM
KASARAGOD DISTRICT - 671 532, KERALA.
2. PRADEEPAN K.P
VADAKKEDATH KANDY HOUSE, KARUVISSERY P.O.
CALICUT DISTRICT, KERALA.
3. RAMESHAN M
MATHANDY HOUSE, KILUR P.O., PAYYOLI
CALICUT DISTRICT, KERALA.
4. PAVITHRAKUMAR K
NARAYANA VILASAM, MARIKUNNU P.O., CALICUT DISTRICT
KERALA.
5. TEEMON THOMAS
MALITHURUTHEL HOUSE, NEERICADU P.O., AYARKUNNAM
KOTTAYAM DISTRICT, KERALA.
6. RATNA KUMAR M.S
RETNALAYAM, CHENNEERKARA P.O., KULANADA
PATHANAMTHITTA DISTRICT, KERALA.
7. K.J.JOSEPH
KOLLAKKUNEL HOUSE, ERAVUCHIRA P.O., KOTTAYAM DISTRICT
KERALA.
8. PRASANNAN R
KALLUVILAYIL HOUSE, THAMARAKULAM P.O.
ALLAPPY DISTRICT, KERALA.
9. K.K.RAVEENDRAN ACHARY
KANNAMMALAVADAKECHARIVIL, ATTACHAKKAL P.O., KONNI
PATHANAMTHITTA DISTRICT, KERALA.
10. AROMAL K.K
THUNDIPARAMBIL HOSUE, MANJUMMEL P.O., ELOOR
UDOYGAMANDAL, ERNAKULAM DISTRICT, KERALA.
11. BHADRAN S
VALIYAVEETIL, PUTHUPALLY, KAYAMKULAM
ALLEPPY DISTRICT, KERALA.
12. RADHAKRISHNA PILLAI R

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MANNARAPALLIL HOUSE, PADA NORTH, KARUNAGAPALLY
KOLLAM DISTRICT, KERALA.

13. BALAGOPALAN K
THRITHALAYAM HOUSE, KOMMERI P.O., CALICUT DISTRICT
KERALA.

14. C.RAGHUTHAMAN
ASHTAMI HOUSE, KODASSERYTHAZHAM, PERUVAYAL P.O.
CALICUT DISTRICT, KERALA.

15. M.D.NAIR
SAFALLYAM, VIVEKANANDA LANE, NETTAYAM P.O.
NETTAYAM, THIRUVANANTHAPURAM DISTRICT, KERALA.

16. GOPAKUMAR K
GOKULAM, CONVENT ROAD, NEMOM P.O.
THIRUVANANTHAPURAM DISTRICT, KERALA.

17. JOSEPH M.Y
MATTAPPALLIL HOUSE, PADANAD NORTH P.O., KALLISSERY VIA
ALLAPPUZHA DISTRICT, KERALA.

18. MURALEEDHARAN KURUPP K
CHANDRAVILASAM, PARAKKARA P.O., THATTAYIL
PATHANAMTHITTA DISTRICT, KERALA.

19. CHANDRAN K.V
ARATHIL HOSUE, PARAPPANAGADI P.O., MALAPPURAM DISTRICT
KERALA.

20. BIJU T.S
VRINDAVAN, KARIPOOR P.O, NEDUMANGAD
THIRUVANANTHAPURAM DISTRICT, KERALA.

21. SATHEESH BABU G
LAKSHMI SADANAM, THOKKAD P.O., VADASSERIKONAM
VARKALA, THIRUVANANTHAPURAM DISTRICT, KERALA.

22. HARIHARAN NAIR K
AMBUJA SADANAM, VALICODE, PANAKAL
NEDUMANGAD P.O., THIRUVANANTHAPURAM DISTRICT, KERALA.

23. SHAJUKUMAR P
POOMANGALATH THEEKKETHIL, ULLANNOOR P.O., KULANADA
PATHANAMTHITTA DISTRICT, KERALA.

BY ADV. SRI.P.P.BIJU

RESPONDENT(S) :

1. THE UNION OF INDIA
REPRESENTED BY THE SECRETARY TO THE GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS, NORTH BLOCK
NEW DELHI - 110 001.

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2. THE DIRECTOR GENERAL
ASSAM RIFLES, MAHANIDESHALAYA
(THE DIRECTORATE GENERAL OF ASSAM RIFLES), SHILLONG
MEGHALAYA - 793 011.

R1-R2 BY ADV. SRI.JAISHANKAR V.NAIR, CGC
BY SRI.N.NAGARESH, ASSISTANT SOLICITOR GENERAL

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
03-08-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S) ' EXHIBITS

P1 - TRUE COPY OF THE JUDGMENT DT. 22/9/2011 IN WA NO. 50(SH)/2010 OF GAUHATI HIGH COURT.

P2 - TRUE COPY OF THE REPRESENTATION DT. 07.9.2013 SUBMITTED BY THE 1ST PETITIONER.

P2(A) - TRUE COPY OF THE REPRESENTATION DT. 07/09/2013 SUBMITTED BY THE 2ND PETITIONER.

P2(B) - TRUE COPY OF THE REPRESENTATION DT. 07.9.2013 SUBMITTED BY THE 3RD PETITIONER.

P2(C) - TRUE COPY OF THE REPRESENTATION DT. 07.9.2013 SUBMITTED BY THE 4TH PETITIONER.

P2(D) - TRUE COPY OF THE REPRESENTATION DT. 07.9.2013 SUBMITTED BY THE 5TH PETITIONER.

P2(E) - TRUE COPY OF THE REPRESENTATION DT. 07.9.2013 SUBMITTED BY THE 6TH PETITIONER.

P2(F) - TRUE COPY OF THE REPRESENTATION DT. 07.9.2013 SUBMITTED BY THE 7TH PETITIONER.

P2(G) - TRUE COPY OF THE REPRESENTATION DT. 07.9.2013 SUBMITTED BY THE 8TH PETITIONER.

P2(H) - TRUE COPY OF THE REPRESENTATION DT. 07.9.2013 SUBMITTED BY THE 9TH PETITIONER.

P2(I) - TRUE COPY OF THE REPRESENTATION DT. 07.09.2013 SUBMITTED BY THE 10TH PETITIONER, .

P2(J) - TRUE COPY OF THE REPRESENTATION DT. 07.9.2013 SUBMITTED BY THE 11TH PETITIONER.

P2(K) - TRUE COPY OF THE REPRESENTATION DT. 07.9.2013 SUBMITTED BY THE 12TH PETITIONER.

P2(L) - TRUE COPY OF THE REPRESENTATION DT. 07.9.2013 SUBMITTED BY THE 13TH PETITIONER.

P2(M) - TRUE COPY OF THE REPRESENTATION DT. 07.9.2013 SUBMITTED BY THE 14TH PETITIONER.

P2(N) - TRUE COPY OF THE REPRESENTATION DT. 07.9.2013 SUBMITTED BY THE 15TH PETITIONER.

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P2(O) - TRUE COPY OF THE REPRESENTATION DT. 07.09.2013 SUBMITTED BY THE 16TH PETITIONER.

P2(P) - TRUE COPY OF THE REPRESENTATION DT. 04.7.2015 SUBMITTED BY THE 17TH PETITIONER.

P2(Q) - TRUE COPY OF THE REPRESENTATION DT. 04.7.2015 SUBMITTED BY THE 18TH PETITIONER.

P2(R) - TRUE COPY OF THE REPRESENTATION DT. 04.7.2015 SUBMITTED BY THE 19TH PETITIONER.

P2(S) - TRUE COPY OF THE REPRESENTATION DT. 04.7.2015 SUBMITTED BY THE 20TH PETITIONER.

P2(T) - TRUE COPY OF THE REPRESENTATION DT. 04.7.2015 SUBMITTED BY THE 21ST PETITIONER.

P2(U) - TRUE COPY OF THE REPRESENTATION DT. 04.7.2015 SUBMITTED BY THE 22ND PETITIONER.

P2(V) - TRUE COPY OF THE REPRESENTATION DT. 04.7.2015 SUBMITTED BY THE 23RD PETITIONER.

P3 - TRUE COPY OF THE JUDGMENT DT. 05.6.2015 OF THIS HON'BLE COURT.

RESPONDENT(S) ' EXHIBITS:NIL

//TRUE COPY//

P.A TO JUDGE

A.K.JAYASANKARAN NAMBIAR, J.

.....

W.P.(C).No.22407 of 2015

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Dated this the 3rd day of August, 2015

J U D G M E N T

The issue involved in the writ petition is squarely covered in favour of the petitioners by Ext.P3 judgment of this Court. Accordingly, the petitioners are entitled to the benefit of the said judgment and entitled to be redesignated with replacement scale of pay in the scale of Rs.3200-85-4900. As all of them have retired from service, they are entitled to get their retirement benefits re-fixed on the basis of the pay fixed on such upgradation along with arrears of pensionary benefits. The 2nd respondent shall consider the representations of the petitioners and grant them all benefits on the basis of the upgradation/restructuring and replacement of the scale of pay of the post from which they retired, by re-fixing their pay and pensionary benefits. The arrears of pensionary benefits, on the basis of such re-fixation of pay and pension, along with all other monetary benefits, shall be paid to the petitioners within a period of four months from the date of receipt of a copy of this judgment.

Sd/-

A.K.JAYASANKARAN NAMBIAR

JUDGE

mns

The pay scale **“Rs.3200-85-4900”** occurring in the fifth line of the judgment dated 03/08/2015 in W.P.(C).No.22407/2015 is corrected and substituted as **“Rs.4000-100-6000”** as per order dated 07/07/2016 in I.A.No.10028/2016 in W.P.(C).No.22407/2015.

Sd/-
Registrar (Judicial)