IN THE HIGH COURT OF MANIPUR
AT IMPHAL

W.P.C No. 790 of 2017

1. Samer Singh, Hav/ORL No 355390, S/O (L) Ramanand presently posted at 45 Assam Rifles, C/O 99 APO, Pin 932045;
2. Omprakash Yadav, Hava/ORL No 355892, S/O Shri Phool Chand Yadav, Presently posted at 2 Assam Rifles, C/O 99 APO, Pin 932002;
3. Randhir Singh, Hav/ORL No 357665, S/O Kapur Singh, Presently posted at 6 Assam Rifles, C/O 99 APO, Pin 932006;
4. Kamal Kumar Rai, Hav/ORL No 355334, S/O (Late) Prem Kumar Rai, presently posted at 6 Assam Rifles, C/O 99 APO, Pin 932006;
5. Dilbag Singh, Hav/ORL No 355623, S/O (Late) Duni Chand, presently posted at 6 Assam Rifles, C/O 99 APO, Pin 932006;
6. Rajeev C V, Hav/ORL No 357820, S/O Shri C K Viswanathan, presently posted at 6 Assam Rifles, C/O 99 APO, Pin 932006;
7. Joyti Prasad Goswami, Hav/ORL No 355324, S/O Soiban Chandra Goswami presently posted at 8 Assam Rifles, C/O 99 APO, Pin 932008;
8. Shaji Paul, Hav/ORL No 357553, S/O Poulose Varghese presently posted at 8 Assam Rifles, C/O 99 APO, Pin 932008;
9. Ramesh Kumar K, Hav/ORL No 357533, S/O Raman Kutty Nair K presently posted at 8 Assam Rifles, C/O 99 APO, pin 932008;
10. Thomas K J, Hav/ORL No 357537, S/O Jose K T, presently posted at 8 Assam Rifles, C/O 99 APO, pin 932008;
11. Salim E, Hav/ORL No 358500, S/O Shri Ebrahim Kutty, presently posted at 8 Assam Rifles, C/O 99 APO, Pin 932008;
12. Ompal Singh Manhas, Hav/ORL No 355160, S/O Babu Ram, presently posted at 12 Assam Rifles, C/O 99 APO, Pin 932012;

13. Rajinder Singh, Hav/ORL, No 358420, S/O Kulbir Singh Chauhan, presently posted at LOAR, New Delhi, Pin 793045;

14. Lallan Prasad, Hav/ORL No 355297, S/O Genesh Prasad, presently posted at 17 Assam Rifles, C/O 99 APO, pin 932017;

15. Balwan Singh, Hav/ORL No 355515, S/O Shri Bima Ram, presently posted at 18 Assam Rifles, C/O 99 APO, pin 932018;

16. Sudharshanan J, Hav/ORL No 355808, S/O Shri K Janardanan presently posted at 18 Assam Rifles, C/O 99 APO, pin 932018;

17. George Mathew, Hav/ORL No 355422, S/O Thomas Mathew, presently posted at 18 Assam Rifles, C/O 99 APO, pin 932018;

18. Babu P, Hav/ORL No 355665, S/O Prabhakaran, presently posted at 18 Assam Rifles, C/O 99 APO, pin 932018;

19. Hari Kumar P K, Hav/ORL No 355804, S/O Krishnan Nair, presently posted at 18 Assam Rifles, C/O 99 APO, pin 932018;

20. Ramesh R, Hav/ORL No 357567, S/O Shri Raghavan, presently posted at 18 Assam Rifles, C/O 99 APO, pin 932018;

21. Subash Chand, Hav/ORL No 355901, S/O Shri Rup Chand, presently posted at 19 Assam Rifles, C/O 99 APO, Pin 932019;

22. Sivdas B, Hav/ORL, No 358378, S/O Balakrishnan K, presently posted at 45 Assam Rifles, C/O 99 APO, Pin 793045;

23. Ombir Singh, Hav/ORL No 355595, S/O Harman Singh, presently posted at 22 Assam Rifles, C/O 99 APO, Pin 932022;

24. Johnson P C, Hav/ORL No 358370, S/O (Late) P K Chacko, presently posted at 25 Assam Rifles, C/O 99 APO, pin 932025;

25. Rajen S, Hav/ORL No 355071, S/O Sukumaran K N, presently posted at 26 Assam Rifles, C/O 99 APO, pin 932026;

26. B Manikuttan, Hav/ORL No 354855, S/O Shri Bhaskaran K, presently posted at 26 Assam Rifles, C/O 99 APO, pin 932026;

27. Sree Kumar, Hav/ORL No 357787, S/O (Late) Gopi Nathan Pillai, presently posted at 26 Assam Rifles, C/O 99 APO, pin 932026;

28. Prasannan C, Hav/ORL No 353814, S/O Chellappan , presently posted at 33 Assam Rifles, C/O 99 APO, pin 932033;

29. C A Vinod, Hav/ORL No 358314, S/O Aravindakshan Nair, presently posted at 38 Assam Riifles, C/O 99 APO, pin 932038;

30. Raju M, N/B Sub/ORL No 353633, S/O Mathew K, presently posted at 38 Assam Rifles, C/O 99 APO, Pin 932038;

31. Vasudevan Nair T P, Hav/ORL No 354820, S/O Shri Paramu Nair, presently posted at 38 Assam Rifles, C/O 99 APO, pin 932038;

32. Wilson V S, Hav/ORL No 355421, S/O V J Samuel, presently posted at 38 Assam Rifles, C/O 99 APO, pin 932038;

33. Suresh Kumar D, Hav/ORL No 354120, S/O Damodaran, presently posted at 38 Assam Rifles, C/O 99 APO, pin 932038;

34. Madhu P, Hav/ORL No 357583, S/O R Pappu, presently posted at 38 Assam Rifles, C/O 99 APO, Pin 932038;

35. Mathew Joseph, Hav/ORL No 355800, S/O Ouseph Ouseph presently posted at 39 Assam Rifles, C/O 99 APO, Pin 932039;

36. Christhu Das, Hav/ORL No 355368, S/O (Late) Shri Habel , presently posted at 39 Assam Rifles, C/O 99 APO, Pin 932039;

37. Mohana Kumar G, Hav/ORL No 356102, S/O (Late) K Gopinathan Nair, presently posted at 42 Assam Rifles, C/O 99 APO, Pin 932042;

38. Dileep Kumar P V, Hav/ORL No 356108, S/O P K Velayudhan, presently posted at 42 Assam Rifles, C/O 99 APO, Pin 932042;

39. Shyam Lal, Hav/ORL, No 355151, S/O Rikhi Ram presently posted at 42 Assam Rifles, C/O 99 APO, Pin 932042;

40. Aniyan Kunju K R, Hav/ORL, No 353784, S/O (Late) K S Raghavan, presently posted at ARSU , C/O 99 APO, Pin 793011;

41. Anil Kumar, Hav/ORL No 357888, S/O Shri Jang Bir Prasad, presently posted at 45 Assam Rifles, C/O 99 APO, Pin 932045;

42. Bharathan P, Hav/ORL, No 355067, S/O Koran, presently posted at 28 Assam Rifles, C/O 99 APO, Pin 793028;

43. R K Gupta, Hav/ORL No 355468, S/O Shedh Nath Gupta, presently posted at 45 Assam Rifles, C/O 99 APO, Pin 932045;

44. Jagat Singh, Hav/ORL No 355850, S/O Pawan Singh, presently posted at 45 Assam Rifles, C/O 99 APO, Pin 932045;

45. Nirmal Singh, Hav/ORL No 355289, S/O Shri Bhar Pur Singh, presently posted at 45 Assam Rifles, C/O 99 APO, Pin 932045;

46. Rajinder Singh, Hav/ORL No 355220, S/O Shri Jai Singh, presently posted at 45 Assam Rifles, C/O 99 APO, Pin 932045;

47. Jaram Singh, Hav/ORL No 356252, S/O Hoshiar Singh, presently posted at 45 Assam Rifles, C/O 99 APO, Pin 932045;

48. Madan Lal, Hav/ORL No 356318, S/O Rattan Chand, presently posted at 45 Assam Rifles, C/O 99 APO, Pin 932045;

49. Prathapan K T, Hav/ORL No 355673 S/O Thankappan K T, presently posted at 45 Assam Rifles, C/O 99 APO, Pin 932045;

50. Prasad U, Hav/ORL No 354743, S/O Utheman K, presently posted at IGAR (S) , C/O 99 APO, Pin 932555;

51. Jai Prakash Yadav, Hav/ORL No 356532, S/O Jhabbu Yadav, presently posted at IGAR (S) , C/O 99 APO, Pin 932555;

52. B K Sah, Hav/ORL No 355587, S/O Shri Shiv Pujan Sah presently posted at IGAR (S) , C/O 99 APO, Pin 932555;

53. Rajbir Singh, Hav/ORL No 355513, S/O Shri Chandgi Ram, presently posted at IGAR (S) , C/O 99 APO, Pin 932555;

54. Mahesh Chand, Hav/ORL, No 354931, S/O Gaji Chand, presently posted at IGAR (S) , C/O 99 APO, Pin 932555;

55. Sukumaran N, Hav/ORL No 354165, S/O Nanu presently posted at IGAR (S) , C/O 99 APO, Pin 932555;

56. Gokul Kumar Pradhan, Hav/ORL No 354245, S/O Chandra Prasad Pradhan presently posted at IGAR (S) , C/O 99 APO, Pin 932555;

57. Rajesh G, Hav/ORL No 358021 S/O Gopala Krishna Pillai, presently posted at 3 Assam Rifles , C/O 99 APO, Pin 932003;

58. Pradeep Kumar K, Hav/ORL, No 355007, S/O N Krishnan Kutty Nair, presently posted at 3 Assam Rifles , C/O 99 APO, Pin 932003;

59. Muralidharan M, Hav/ORL, No 355493, S/O Madhavan V, presently posted at 3 Assam Rifles , C/O 99 APO, Pin 932003;

60. Babu M P, Hav/ORL, No 354250, S/O Parameswaran M R, presently posted at 4 Assam Rifles , C/O 99 APO, Pin 932004;

61. Hari Singh, Hav/ORL No 354466, S/O Shri Guman Singh, presently posted at 5 Assam Rifles , C/O 99 APO, Pin 932005;

62. Dinesh Kumar C G, Hav/ORL No 356100, S/O Madhusudhanan Nair, presently posted at 7 Assam Rifles , C/O 99 APO, Pin 932007;

63. Samson, Hav/ORL No 357630, S/O Tarsem Masih, presently posted at 9 Assam Rifles , C/O 99 APO, Pin 932009;

64. S Mohana Kumar S, Hav/ORL No 355260, S/O Soma Rajan N, presently posted at 10 Assam Rifles , C/O 99 APO, Pin 932010;

65. Sunil Kumar R, Hav/ORL No 356113, S/O Raman Kutty, presently posted at 10 Assam Rifles , C/O 99 APO, Pin 932010.

66. Rajmony Yadav, Hav/ORL No 356207, S/O Ram Awadh, presently posted at 10 Assam Rifles , C/O 99 APO, Pin 932010;

67. Anil Kumar Dogra, Hav/ORL No 355445, S/O Prakash Chand, presently posted at 13 Assam Rifles , C/O 99 APO, Pin 932013;

68. Anil Kumar, Hav/ORL No 355907, S/O Dayanand, presently posted at 13 Assam Rifles , C/O 99 APO, Pin 932013;

69. Prakash P R, Hav/ORL No 355780, S/O Rajappan, presently posted at14 Assam Rifles , C/O 99 APO, Pin 932014;

70. Santha Kumar B, Hav/ORL No 355807, S/O Balakrishnan Nair, presently posted at 14 Assam Rifles , C/O 99 APO, Pin 932014;

71. S K Singh, Hav/ORL No 355975, S/O Shri Krishan De Singh, presently posted at 15 Assam Rifles , C/O 99 APO, Pin 932015.;

72. Hemanta Sonwal, Hav/ORL No 355393, S/O Gulab Chandra Sonwal, presently posted at 15 Assam Rifles , C/O 99 APO, Pin 932015;

73. Narendra Kumar Pandey, Hav/ORL No 356553, S/O Rameswar Pandey, presently posted at 15 Assam Rifles , C/O 99 APO, Pin 932015;

74. Keshav Dutt Joshi, Hav/ORL No 356982, S/O Hari Nandan Joshi, presently posted at 15 Assam Rifles , C/O 99 APO, Pin 932015;

75. Shiv Kumar, Hav/ORL No 355073, S/O Dewan Chand, presently posted at 15 Assam Rifles , C/O 99 APO, Pin 932015;

76. Devaraj Sharma, Hav/ORL No 356454, S/O Shri Jeet ram Sharma, presently posted at 15 Assam Rifles , C/O 99 APO, Pin 932015;

77. Prem Prakash Singh, Hav/ORL No 356192, S/O Shri Hari Narayan Singh, presently posted at 15 Assam Rifles , C/O 99 APO, Pin 932015;

78. Anil Kumar Ayyappan, Hav/ORL No 357941, S/O Prayyappan Pillai, presently posted at 20 Assam Rifles , C/O 99 APO, Pin 932020;

79. Lal Singh, Hav/ORL No 356047, S/O Bakhtawar Singh, presently posted at 20 Assam Rifles , C/O 99 APO, Pin 932020;

80. Muraleedharan Nair M, Hav/ORL No 356012, S/O K Madhavan Nair, presently posted at 20 Assam Rifles , C/O 99 APO, Pin 932020;

81. Valsalan R, Hav/ORL No 357572, S/O Rephel, presently posted at 20 Assam Rifles , C/O 99 APO, Pin 932020;

82. Sree Kumar V S, Hav/ORL No 357790, S/O Vasudevan Pillai, presently posted at 20 Assam Rifles , C/O 99 APO, Pin 932020;

83. Ramesh C, Hav/ORL NO 357584, S/O Chellapan, presently posted at 22 Assam Rifles , C/O 99 APO, Pin 932022.;

84. Ram Hirdaya Tiwari, Hav/ORL No 355466, S/O Darsu Tiwari, presently posted at 24 Assam Rifles , C/O 99 APO, Pin 932024;

85. Rajeev S, Hav/ORL No 358000, S/O Sivadasan, presently posted at 24 Assam Rifles , C/O 99 APO, Pin 932024;

86. Vinod Kumar Singh, Hav/ORL No 356210, S/O Shri Mukteshar Singh, presently posted at 24 Assam Rifles , C/O 99 APO, Pin 932024;

87. Brahm Prakash, Hav/ORL No 355532, S/O Kishori Lal, presently posted at 28 Assam Rifles , C/O 99 APO, Pin 932028;

88. Rajeevan V, Hav/ORL No 355792, S/O Vasudevan S, presently posted at 28Assam Rifles , C/O 99 APO, Pin 932028;

89. Kikar Singh, Hav/ORL No 355309, S/O Ghungar Singh, presently posted at 30 Assam Rifles , C/O 99 APO, Pin 932030;

90. S K Thakur, Hav/ORL No 356604, S/O Shri Awadh Kishor Thakur, presently posted at 35 Assam Rifles , C/O 99 APO, Pin 932035;

91. R Pasupathy, Hav/ORL No 355504, S/O R Rudrapathy, presently posted at 40 Assam Rifles , C/O 99 APO, Pin 932040;

92. H Babahan Singha, Hav/ORL No 355163, S/O Shri Radha Mohan Singha, presently posted at 40 Assam Rifles , C/O 99 APO, Pin 932040;

93. Shiv Kumar, Hav/ORL No 358026, S/O Shri Ram Kala Tiwari, presently posted at 44 Assam Rifles , C/O 99 APO, Pin 932044;

94. Om Prakash Singh, Hav/ORL No 356155, S/O Ram Chander Singh, presently posted at 44 Assam Rifles , C/O 99 APO, Pin 932044;

95. Rajeev Kumar, Hav/ORL No 356269, S/O Suraj Singh, presently posted at 44 Assam Rifles , C/O 99 APO, Pin 932044;

96. Thomas M A, Hav/ORL No 354100, S/O M J Antony, presently posted at 46 Assam Rifles , C/O 99 APO, Pin 932046;

97. Udaya Kumar K, Hav/ORL, No 354058, S/O Kunjunni Achari N, presently posted at 46 Assam Rifles , C/O 99 APO, Pin 932046;

98. Sasi Kumar R, Hav/ORL No 354731, S/O Ramachandran Pillai, presently posted at 46 Assam Rifles , C/O 99 APO, Pin 932046;

99. Sasi K, Hav/ORL No 355065, S/O v, presently posted at 46 Assam Rifles , C/O 99 APO, Pin 932046;

100. Babu P, Hav/ORL, No 355615, S/O Langha Dharan P V, presently posted at 46 Assam Rifles , C/O 99 APO, Pin 932046;

101. Sikander Singh, Hav/ORL No 356295, S/O (Late) Ram Parvesh Singh, presently posted at ARTC & S , C/O 99 APO, Pin 782460;

102. Anil Kumar P V, Hav/ORL No 354974, S/O Karappan P V, presently posted at ARTC & S , C/O 99 APO, Pin 782460;

103. Haridas K, Hav/ORL No 355881, S/O (Late) Velyudhan K, presently posted at ARTC & S , C/O 99 APO, Pin 782460;

104. Jameral Hussain, Hav/ORL No 355872, S/O (Late) Mamfaj Hussain, presently posted at 6 Sector Assam Rifles , C/O 99 APO, Pin 932406;

105. P V Madhavan, Hav/ORL No 355454, S/O Kelu Nair P, presently posted at 10 Sector Assam Rifles , C/O 99 APO, Pin 932410;

106. Babu M, Hav/ORL No 354848, S/O S Madhavan, presently posted at 21 Sector Assam Rifles , C/O 99 APO, Pin 932421;

107. Sanjeeva Kumar S, Hav/ORL, No 354124, S/O Shri Sudhakaran G, presently posted at 21 Sector Assam Rifles , C/O 99 APO, Pin 932421;

108. Kishori Lal, Hav/ORL, No 356232, S/O (Late) Raghubir Singh, presently posted at 25 Sector Assam Rifles , C/O 99 APO, Pin 932425;

109. Krishna Vijayan, Hav/ORL, No 355878, S/O Shri S Rama Pothuval, presently posted at IGAR (E) , C/O 99 APO, Pin 932553;

110. Madhu M, Hav/ORL, No 355580, S/O Madhavan P, presently posted at 15 Assam Rifles , C/O 99 APO, Pin 932015;

111. Biju Patnaik, Hav/ORL, No 357858, S/O (Late) P K Chacko, presently posted at Guwahati Transit Camp , C/O 99 APO, Pin 932046;

112. Aravindakshan S, Hav/ORL, No 355269, S/O Shankara Pillai TP, presently posted at HQ DGAR , C/O 99 APO, Pin 793011;

113. Harish Chandra Kaimal, Hav/ORL, No 354677, S/O Gopalan Nair V, presently posted at HQ DGAR , C/O 99 APO, Pin 793011;

114. Balakrishhna Kurup, Hav/ORL, No 355293, S/O Shri Raghavan Nair, presently posted at HQ DGAR , C/O 99 APO, Pin 793011;

115. Sabu T, Hav/ORL, No 358167, S/O Thankappan, presently posted at HQ DGAR , C/O 99 APO, Pin 793011;

116. Suresh J, Hav/ORL, No 355575, S/O Shri Janardhan D, presently posted at HQ DGAR , C/O 99 APO, Pin 793011;

117. Krishnan Kutty TU, Hav/ORL, No 355174, S/O U K Kunni Nair, presently posted at HQ DGAR , C/O 99 APO, Pin 793011;

118. Saju Hiran PS, Hav/ORL, No 358280, S/O Shri Sudhakaran G, presently posted at HQ DGAR , C/O 99 APO, Pin 793011;

119. Shaji G R, Hav/ORL, No 358344, S/O Shri Gopalakrishnan Nair, presently posted at HQ DGAR , C/O 99 APO, Pin 793011;

120. Vijaya Kumaran Pillai, Hav/ORL, No 358071, S/O Ramakrishnan Pillai, presently posted at HQ DGAR , C/O 99 APO, Pin 793011;

121. Suresh Kumar K M, Hav/ORL, No 357004, S/O Madhavan, presently posted at HQ DGAR , C/O 99 APO, Pin 793011;

122. Ramesan E. hav/ORL, No 355618, S/O P.T. Kunchiraman, presently posted at ARSU, Shillong, C/O 99 APO;

123. Ravi C N, Hav/ORL, No 354158, S/O C K Narayanan, presently posted at HQ DGAR , C/O 99 APO, Pin 793011;

124. Ayyappan Kutty, Hav/ORL, No 358494, S/O K K Vasu, presently posted at HQ DGAR , C/O 99 APO, Pin 793011;

125. Shaji P R, hav/ORL, No 357714, S/O Shri Raghavan, presently posted at HQ DGAR , C/O 99 APO, Pin 793011;

126. Binumon P V, Hav/ORL, No 358498, S/O Viswambaram, presently posted at HQ DGAR , C/O 99 APO, Pin 793011;

127. Aneesh Kumar K, Hav/ORL, No 358631, S/O S Krishnan Unnithan, presently posted at HQ DGAR , C/O 99 APO, Pin 793011;

128. Chanchal Dutta, Hav/ORL, No 357828, S/O Naresh Chandra Dutta, presently posted at HQ DGAR , C/O 99 APO, Pin 793011;

129. Rajesh N, Hav/ORL, No 357842, S/O K K Narayanan, presently posted at HQ DGAR , C/O 99 APO, Pin 793011;

130. A A Siddique, Hav/ORL, No 355076, S/O Shamsuddin, presently posted at HQ DGAR , C/O 99 APO, Pin 793011;

131. S K Sharma, Hav/ORL, No 358569, S/O Mam Raj Singh Sarma, presently posted at HQ DGAR, C/O 99 APO, Pin 793011;

132. Sam G George, Hav/ORL, No 357993, S/O M George Kutty, presently posted at HQ DGAR , C/O 99 APO, Pin 793011;

133. Kumar Pradhan, Hav/ORL, No 357961, S/O Shyam Bahadur Pradhan, presently posted at 9 Assam Rifles , C/O 99 APO, Pin 793009;

134. Basanta Ram Sharma, Hav/ORL, No 355290, S/O Shri Ram , presently posted at HQ DGAR , C/O 99 APO, Pin 793011;

135. Anil Kumar K S , Hav/ORL ,No 355726, S/O K R Sukumaran presently posted at HQ DGAR , C/O 99 APO, Pin 793011;

136. Soorya Narayanan, Hav/ORL, No 358897, S/O (Late) Vasu M, presently posted at HQ DGAR , C/O 99 APO, Pin 793011;

137. Dharanidhar Behera, Hav/ORL, No 357939, S/O Gopal Chandra Behera, presently posted at HQ DGAR , C/O 99 APO, Pin 793011;

138. Hieramath, Hav/ORL, No 357574, S/O Shri Ganadharayya, presently posted at HQ DGAR , C/O 99 APO, Pin 793011;

139. Hari Nandan Ram, Hav/ORL, No 355162, S/O Shri Shiv Bachan Ram, presently posted at HQ DGAR , C/O 99 APO, Pin 793011;

140. A Vijaya Kumar, Hav/ORL, No 358085, S/O Appukuttan Pillai, presently posted at HQ DGAR , C/O 99 APO, Pin 793011;

141. Indrasenan G, hav/ORL, No 355952, S/O Shri P R Gopalan, presently posted at HQ DGAR , C/O 99 APO, Pin 793011;

142. Praveen Kumar, Hav/ORL, No 355927, S/O K Kumaran , presently posted at HQ DGAR , C/O 99 APO, Pin 793011;

143. Biju Babu, Hav/ORL, No 358864, S/O babu Varghese, presently posted at HQ DGAR , C/O 99 APO, Pin 793011;

144. Vinod Kumar, Hav/ORL, No 357944, S/O Hari Chand, presently posted at HQ DGAR , C/O 99 APO, Pin 793011;

145. Radhakrishnan Achari, Hav/ORL, No 355775, S/O Pramswaran Achari K N, presently posted at HQ DGAR , C/O 99 APO, Pin 793011;

146. Gitesh Kumar, Hav/ORL, No 358422, S/O (Late) V Sasidharan V, presently posted at HQ DGAR , C/O 99 APO, Pin 793011;

147. Sukhwinder Singh, Hav/ORL , No 357618, S/O Shri kulwant Singh, presently posted at HQ DGAR , C/O 99 APO, Pin 793011;

148. Tara Chand, Hav/ORL, No 357638, S/O Tarsem Lal, presently posted at HQ DGAR , C/O 99 APO, Pin 793011;

149. Muhammad Ansari, Hav/ORL, No 355697, S/O M Sumsuddin Rawatan, presently posted at HQ DGAR , C/O 99 APO, Pin 793011;

150. Aji Kumar P K, Hav/ORL, No 354026, S/O Karunakaran, presently posted at HQ DGAR , C/O 99 APO, Pin 793011;

151. Naga Kumaran , Hav/ORL, No 355874, S/O Shri K Mayandi, presently posted at HQ DGAR , C/O 99 APO, Pin 793011;

152. Shibu P R, Hav/ORL, No 358471, S/O Shri P K Raghavan, presently posted at HQ DGAR , C/O 99 APO, Pin 793011.

153. Sajith P, Hav/ORL, No 358215, S/O Shri Pushpangadan, presently posted at HQ DGAR , C/O 99 APO, Pin 793011;

154. K R Muralidharan , Hav/ORL, No 355951, S/O (Late) K Raghavan, Presently posted at HQ DGAR, C/O 99 APO, Pin 793011.;

155. Suresh Kumar P T, Hav/ORL, No 358231, S/O P Thankachan, presently posted at HQ DGAR , C/O 99 APO, Pin 793011;

156. Ragesh K, Hav/ORL, No 357817, S/O (Late) P Anandan Nambiar, presently posted at HQ DGAR , C/O 99 APO, Pin 793011;

157. Saji Kumar D, Hav/ORL, No 357903, S/O Shri N K Dayanandan, presently posted at HQ DGAR , C/O 99 APO, Pin 793011;

158. Shaji Kumar VV , Hav/ORL, No 358513, S/O Shri M C Vikraman Nair, presently posted at HQ DGAR , C/O 99 APO, Pin 793011;

159. Sukdhev Singh, Hav/ORL, No 357640, S/O Sadhu Singh, presently posted at HQ DGAR , C/O 99 APO, Pin 793011;

160. Prakashan K, Hav/ORL, No 355793, S/O Kunju Pillai, presently posted at ARSU, C/O 99 APO, Pin 793011.

... Petitioners

- Versus -

1. Union of India, represented by the Secretary to the Government of India, Ministry of Home Affairs, North Block, New Delhi – 110001;
2. The Director General, Assam Rifles, Shillong, PIN- 793010, Meghalaya;
3. Secretary to the Government of India, Ministry of Personnel, Public Grievances and Pension, North Block, New Delhi- 110001;
4. Colonel (Records), Assam Rifles, Shillong, PIN- 793011;
5. The Chief Controller of Accounts, Pay and Accounts Office (Assam Rifles) Shillong, PIN- 793010, Meghalaya.
6. The Commandant, 45 Assam Rifles, Mantripukhri, Imphal East.
7. Shri Pankaj Sharma, Adjutant for Officiating Commandant, 45 Assam Rifles, Mantripukhri P.O. Mantripukhri, P.S. Heingang, Imphal East District, Manipur.

... Respondents

B E F O R E
HON'BLE MR. JUSTICE MV MURALIDARAN

For the petitioner :: Mr Amarjit Naorem. Adv.
For the respondents. :: S. Samarjit, CGC.
Date of hearing and
Reserved for order. :: 24.02.2020.
Date of judgment &
Order. :: 24.08.2020.

JUDGMENT & ORDER
(CAV)

[1] This writ petition has been filed by the petitioners seeking a writ of mandamus directing the second respondent to grant rank Naik/Head Constable/Havildar and pay scale to them at par with their counterparts in other Central Police Organisations with effect from 1.1.1986 and to direct the second respondent to grant first financial upgradation to the petitioners under the Assured Career Progression Scheme as per the recommendations of the 5th Central Pay Commission. The petitioners sought direction on the second respondent to grant second and third financial upgradations under MACP Scheme as per the recommendations of the 6th CPC. The petitioners also prayed to set aside various orders

granting second financial upgradation under ACP Scheme, second and third financial upgradations under MACP Scheme.

Brief facts are as follows:

[2] The petitioners are employees of Assam Rifles and at present they are holding the post of Havildar/Operator Radio and Line (ORL), which is the cadre post in the signal grade of Assam Rifles. The petitioners have been rendering their services as Havildar Operators in different Units, Formation Head Quarters and Minor Units of Assam Rifles, which is a Central Para-Military Force (CPMF) in Signal Trade. With the implementation of 4th Central Pay Commission (CPC), which came into force with effect from 1.1.1986, the personnel of Assam Rifles have been placed at par with other Central Police Organisations (CPOS) like BSF, CRPF, ITBP, CISF etc.

2.1. The initial entry or rank in the Signal cadre of other CPOs was Naik/Head Constable /Havildar, whereas the initial entry or rank in the Assam Rifles in the Signal cadre was Rifleman (ORL). Such disparity in the rank and pay structure suffered by the petitioners were not in conformity with law and the recommendation of the 4th CPC.

2.2. Following the implementations of the 5th CPC, certain anomalies surfaced in the rank and structure and pay scale between personnel belonging to different CPOs and their counterparts in Delhi Police. In order to remove those anomalies, the President of India was pleased to rationalize the rank structure and pay scale of non-Gazetted cadre of the CPOs for streamlining the same on 10.10.1997.

2.3. The Office Memorandum dated 10.10.1997 issued by the Ministry of Home Affairs and the Office Memorandum dated 22.1.1998 ought to have been implemented by Assam Rifles in its true letter and spirit. However, the post of Head Constable/Havildar indicated in Serial No.2 of the said Office Memorandum in the scale of pay of Rs.3200 to 4900 has not been allowed at the entry grade in Assam Rifles. Instead, Assam Rifles carried on the practice of recruiting Rifleman Operator at the entry level in the pay scale of Rs.3050 to 4590, whereas in the other CPOs recruitment of Signal Operator as Head Constable/Havildar Operator in the scale of pay 3200-85-4900 at the entry level is done. The rank and pay scale of the petitioners at the time of their initial enrolment was not in consonance with the rank and pay structure of their counterparts in other paramilitary forces under the Ministry of Home Affairs. Whereas in the Signal cadre of other CPOs the rank of Naik in the pay scale of Rs.

950-20-1150-EB-25-1400 became the entry grade, the petitioners, at the entry grade, were given the rank of Rifleman/ORL with scale of pay of Rs. 825-15-900-EB-20-1200.

2.4. According to the petitioners, in both the cases, they perform similar nature of works, duties and responsibilities. In view of this disparity, the petitioners are claiming parity in rank and pay scale with their counterparts in other CPOs. Also, the petitioners are claiming their first financial upgradation under ACP Scheme on the basis of the guidelines of the 5th CPC and second and third financial upgradations under the Modified Assured Career Progression Scheme (MACP Scheme) on the basis of the recommendations of the 6th CPC which have been implemented by the Government of India. Hence, the petitioners have come up with the present petition seeking the aforesaid reliefs.

[3] Respondents 1 to 6 filed affidavit-in-opposition stating that the petitioners were enrolled into Assam Rifles as Rifleman (ORL) and all of them were promoted/upgraded to the rank of Havildar (ORL). The petitioners were recruited as per GSR-198 dated 31.5.2000, which envisaged the minimum qualification for recruitment of Rifleman (ORL) for direct recruitment having educational qualification for entry in Assam Rifles as Matriculate with English, Mathematics and Science Physics. Pay and

allowances have also been extended as per the recommendations of the 5th CPC and pay applicable to the petitioners was Rs. 3050-75-395080-4590 which has further been revised to Rs. 5200-20200 in PB-I with GP 2000 with effect from 1.1.2006 in the 6th CPC.

3.1. The petitioners were given pay scales as recommended by the Pay Commission commensurate to the rank they were holding at that time. The rank structure from the entry level applicable in other CPMFs was not carried out in view of the different entry qualification and work conditions. There is no discrimination being done in this category. Hence, the petitioners prayer in the instant petition is misleading and lacks substance.

3.2. It is stated that the petitioners were enrolled as Rifleman (ORL) and Naik/Havildar are promotional post on acquiring of requisite promotional criteria and availability of vacancy. Hence, demanding of a promotional rank as initial entry after lapse of more than 30 years is not maintainable and the same is liable to be dismissed on the ground of delay and laches.

3.3. It is also stated the rank structure from the entry level applicable in other CPMFs was not carried out in view of the different entry qualification and work conditions. There is no discrimination being done in this category. Hence, the petitioners prayer in the writ petition is misleading and lacks substance. It is stated that there is no comparison with CAPFs, hence, no

parallel can be drawn for the organisation including rank structure. Pay and allowances and rank structure of Assam Rifles personnel cannot be compared with the other Forces, as each Force have their own policy terms and conditions of service, nature of works, job contents, duties and responsibilities are not equal and there are sufficient difference. Hence, there is no disparity in the rank and pay structure.

3.4. According to the respondents 1 to 6, the rank of Head Constable/Havildar was already existing in all other CPMFs prior to 1997 and therefore, it cannot be construed to mean that it was sanctioned vide Ministry of Home Affairs letter dated 10.10.1997, rather the rank structure was only rationalized for uniformity in all CPMFs. Moreover, the Ministry of Home Affairs gave no directions or orders to upgrade posts of Rifleman (ORL) to rank of Head Constable/Havildar as initial rank in this category. However, the hierarchy of posts available were rationalized in conformity to other CPOs by abolishing/re-designating the posts of Lance Naik and Naik in the Force which was the main aim of the Office Memorandum dated 10.10.1997. Since the rationalization of ranks was implemented in its correct perspective, it cannot be said to have caused injustice to anyone.

3.5. The case of the respondents 1 to 6 is that the claim of the petitioners dates as far back as 1966 and grants of relief if any will result into wholesale re-structuring of the Assam Rifles combatant cadre which besides being uphill the task from the administrative point of view will entail huge financial liability on the public exchequer and misbalances the entire hierarchy of the lighting Force deployed in the CI/CT environment.

3.6. It is stated in the affidavit-in-opposition that the recommendations of the Pay Commissions has been approved by the Government of India and it may be brought out that every Pay Commission has its own ideology of extending the benefit to the Central Government employees considering the necessity and examining all the relevant facts in a modified/revised manner, so benefits extended in the 3rd CPC has been modified in the 4th CPC and approved by the Government of India for further implementation accordingly and the same has been duly implemented in the Force.

3.7. An administrative order was issued on 28.6.2016 to all personnel of the clerical cadre who were In service as on 1.1.1986 and who were enrolled thereafter upto 28.10.2002 in compliance of the High Court's order dated 23.8.2012. The petitioners belong to category of ORL of Assam Rifles and their pay, rank and other status cannot be compared to the other trades. Moreover, upgradation of the existing post of Havildar (Clerk) to

Warrant Officer (Clerk) is concerned, the entry level education qualification of clerical cadre is more than the education qualification of ORL and the clerk category is categorised as a combatised (ministerial) staff and does not fall within the ORL category of Assam Rifles.

3.8. The petitioners are categorised as combatised non-Gazetted. Hence, a non-ministerial cadre cannot be compared with a ministerial cadre. The educational qualification for direct enrolment as Clerk is intermediate or 10+2 or equivalent plus thirty words per minutes English typing speed. It is a separate category and cannot be compared with any trade of Assam Rifles. The petitioners are interpreting the same to their convenience and misleading/confusing the Court to gain sympathy. Since the petitioners were given pay scales as recommended by the Pay Commission commensurate to the rank they were holding at that time, the present petition is misleading and the same is liable to be dismissed.

[4] The summary of argument advanced by the learned counsel for the petitioners is as under:

(i) The petitioners ought to be treated in the manner that they were initially enrolled and appointed in the rank of Naik which is merged with Head Constable which again corresponds to Havildar meaning thereby that in the

event of their being reappointed as Havildar (ORL) and still serving as Havildar (ORL), then on completion of 12 years of their service in the grade without any promotion, they are entitled to the benefits of the first upgradation under ACP Scheme on the basis of the recommendation of the 5th CPC which has been implemented by the Central Government and also the second MACP and the third MACP in accordance with the MACP Scheme.

(ii) The petitioners are deprived of the first financial upgradation under ACP on the ground of having earned one promotion i.e., promotion to the rank of Naik and they were granted second financial upgradation under ACP in case of five petitioners viz., petitioner Nos.30, 35, 55, 107 and 150 and under MACP Scheme in respect of rest of the petitioners.

(iii) In other Central Police Organisations, the counterparts of the petitioners, who were initially enrolled as Naik/Head Constable at the entry level were granted first financial upgradation under ACP Scheme whereas the petitioners are deprived of the same benefits in view of the disparity in rank and pay structure with their counterpart in other CPOs though the policy of rationalization in rank and pay structure of CPOs has been ordered to be implemented by the Ministry of Home Affairs, Government of India.

(iv) The issue of granting first financial upgradation under ACP Scheme from the date of remusteration as Havildar/Cipher in the case of Havildar/Cipher Abdul Bari, who was initially enrolled as Rifleman/ORL came up for consideration before the Meghalaya High Court in W.P.(C) No. (SH) No.256/2012. By the order dated 10.4.2013, the Meghalaya High Court held that remusteration to Havildar/Cipher from Rifleman/ORL is not promotion and also not a financial upgradation and Havildar is the lowest post in the Cipher trade and thus directed the respondents to grant first financial upgradation from the date of remusteration/conversion to Haviidar (Cipher).

(v) The said order of the Single Bench came to be challenged in W.A.No.30 of 2013 and a Division Bench of Meghalaya High Court by the judgment dated 18.11.2014 dismissing the appeal thereby confirmed the order of the Single Bench. Aggrieved by the same, the Union of India, preferred SLP.N0.13534-13534 of 2015 before the Hon'ble Supreme Court and the Hon'ble Supreme Court vide order dated 4.9.2015, dismissed the said SLP.

(vi) Being aggrieved by the highly discriminatory treatment meted out from the respondent authorities, the petitioners have preferred the present writ petition directing the second respondent to grant appropriate rank, i.e.,

Naik/Head Constable/Havildar and pay scale to them at par with their counterparts in other CPOs with effect from 1.1.1986. Correspondingly, to grant first financial upgradation to the petitioners under ACP Scheme as per the recommendations of the 5th CPC and to grant second and third financial upgradation under MACP Scheme as per the recommendations of the 6th CPC.

[5] Per contra, the learned counsel for the Union of India raised a preliminary objection as to the maintainability of the writ petition for want of territorial jurisdiction of Manipur High Court. The next submission of the learned counsel for the Union of India is that the writ petition is hit by delay and laches.

[6] The learned counsel for the Union of India submitted that the peace establishment is revised every 10 years, although the petitioners were enrolled prior to implementation of RPE-2003, however, they are now governed by the said RPE alike other Force personnel. The rank, pay and allowances have been given to the petitioners as applicable to all Assam Rifles personnel as per the guidelines issued by the Government from time to time commensurate to their rank and as per Recruitment Rules. The rank structure has also been approved by the Ministry of Home Affairs and Recruitment Rules framed accordingly. He would submit

that the official respondents are bound to follow the Recruitment Rules, Charter of duties cannot change the criteria which appears to be more comprehensive from the petitioners' point of view.

[7] The learned counsel for the Union of India next submitted that the petitioners are trying to project wrong perception at their own convenience regarding the grant of ACP/MACP before this Court to gain undue sympathy and advantage. The petitioners were also granted financial upgradation of next higher rank under ACP/MACP Scheme as applicable to them. Hence, the contention of the petitioners that ACP/MACP has nothing to do with bringing parity in pay scale and rank structure of all CPO is bereft of merit.

[8] The learned counsel for the Union of India then submitted that the rank of Naik was promotional in the hierarchy and most of the petitioners have been promoted to the rank of Naik during the year 1994, 1995 and 1996, whereas the petitioners are claiming benefit of Naik with effect from 1.1.1986, which is legally not tenable.

[9] This Court considered the submissions made by the learned counsel on either side and also perused the materials available on record.

[10] The petitioners were enrolled into Assam Rifles as Rifleman (ORL) and all the petitioners were promoted/upgraded to the rank of Havildar (ORL). The Assam Rifles was declared a Force, raised and maintained under the Authority of the Central Government. The Assam Rifles is the oldest Central Para Military Force of India under the Ministry of Home Affairs. Other Forces are declared as CAPFs like CRPF, ITBP, BSF, CISF and SSB. The Director General is the head of the Department of Assam Rifles and has been functioning under the Ministry of Home Affairs, Government of India, under which the Force can employ/appoint the manpower of Assam Rifles. The personnel status, rank structures and fixation of pay and allowances of Assam Rifles Cadre Officers and personnel of the Assam Rifles is being drawn in terms of Central Pay Commission Report under the Ministry of Home Affairs since 1.1.1996. The petitioners have been enrolled in the Force as Riflemen (ORL) as per Assam Rifles Act/Recruitment Rules. Therefore, the pay and allowances to them shall be applicable in the line of rank structure granted by the Government of India and not on the lines of other CAPFs like BSF, CRPF, CISF and ITBP.

[11] The petitioners were recruited as Riflemen (ORL) in Assam Rifles as per GSR-198 dated 31.5.2000, which envisage the minimum qualification for recruitment of Rifleman (ORL) for direct recruitment having educational qualification for entry as Matriculate with English, Mathematics and Science Physics. Pay and allowances have also been extended as per the recommendations of the 5th CPC and pay applicable to the petitioners was Rs. 3050-75-3950-80-4590, which has further been revised to Rs. 5200-20200 in PB-I with Grade Pay 2000 with effect from 1.1.2006 in 6th CPC.

[12] The first and foremost contention of the respondent Union of India is that this Court has no territorial jurisdiction to entertain the writ petition, as earlier the petitioners submitted application/representation dated 18.9.2017 to the Headquarters Directorate General Assam Rifles at Shillong, seeking promotion in higher post, which after due examination was denied by the authority and the same was communicated to them on 28.10.2017. Hence, the cause of action arose at Headquarters Shillong under the territorial jurisdiction of the High Court of Meghalaya, whereas the petitioners have filed the instant writ petition before the Manipur High Court and the same is not maintainable for want of its territorial jurisdiction.

[13] On the other hand, the learned counsel for the petitioners submitted that the cause of action arose at the time when the Union of India issued orders that Assam Rifles has been brought under the CPO and also that there shall be rationalization of pay scales and rank structures in all the CPOs. The cause of action also arose when the initial entry grade in Assam Rifles was Rifleman (ORL), whereas in other CPOs, the initial entry rank was given Naik/Head Constable/Havildar. The cause of action further arose with the recommendation of the 5th CPC when anomalies surfaced in the rank structure and pay scale between the CPOs on one hand and Delhi police on the other hand. He would submit that the cause of action further arose when the Hon'ble Supreme Court vide order dated 17.11.2015 upheld the decision of the Single Bench of Gauhati High Court in W.P. No. 277 (SH) of 2010.

[14] The learned counsel further submitted that the cause of action also arose when the first petitioner submitted representation on 31.8.2017 which has been returned unactioned by not even forwarding the same to the authority concerned. Further, the cause of action arose when the representation dated 18.9.2017 was returned without any action being taken. Thus, there is disparity and anomaly in the pay and rank structure of the petitioners, who are in Assam Rifles as compared

with their counterparts in other CPOs till today and the petitioners have been suffering the disparity till today. Therefore, there is continuing cause of action and that the writ petition is maintainable before the Manipur High Court.

[15] On a perusal of the materials produced, it is seen that the writ petitioners submitted application/representation dated 18.9.2017 to the Headquarters Directorate General Assam Rifles at Shillong and the same was denied by the order dated 28.10.2017, which fact has not been denied by the petitioners. The respondent Union of India is not correct in saying that since the application/representation of the petitioners dated 18.9.2017 seeking promotion/upgradation in higher post with effect from 1986 was returned by the Directorate with the observation that the same be forwarded again with recommendations of Commander –in-Charge which would have entailed that the application/representation had been vetted and examined for its correctness at appropriate levels to negate duplicity of checks, the cause of action arose at Headquarters DGAR, Shillong and therefore, the Manipur High Court had no jurisdiction to try and adjudicate upon the grievances of the petitioners. Since there is continuing cause of action as narrated by the petitioners, this Court is of the view that this Court has jurisdiction to maintain the writ petition filed by the

petitioners, as the respondent Union of India has not produced any material to substantiate their plea in respect of maintainability of the writ petition before this Court.

[16] According to the respondent Union of India, the petitioners who were given pay scales as recommended by the Pay Commission commensurate to the rank they were holding at that time. The rank structure from the entry level applicable in other CPMFs was not carried out in view of different entry qualification and work conditions. Therefore, there is no discrimination being done in this category. Hence, the prayer of the petitioners is misleading and lacks substance.

[17] . According to the respondent Union of India, the petitioners who were enrolled as Rifleman (ORL) and Naik/Havildar are promotional posts on acquiring of requisite promotional criteria and availability of vacancy. Therefore, demanding of a promotional rank at initial entry after a lapse of more than 30 years is not maintainable and thus, the writ petition is liable to be dismissed on the ground of delay and laches.

[18] Countering the argument of the learned counsel for the Union of India, the learned counsel for the petitioners submitted that as per the Office Memorandum dated 22.1.1998, the petitioners are only eligible for

being upgraded to the rank of Havildar with effect from 10.10.1997 merged with Head Constable and again Head Constable in other CPOs is equivalent to Havildar in Assam Rifles. The post of Naik/Head Constable/Havildar is the entry post of Signal Cadres in other COPs, whereas in Assam Rifles the entry post of Signal Cadre is Rifleman (ORL). Such disparity in rank and pay structure suffered by the petitioners were not in conformity with the recommendations of the 4th CPC which were accepted by the Government of India vide notification dated 22.9.1986, which came into force with effect from 1.1.1986. He would submit that again because of this non-conformity, further anomalies in rank and pay structure surfaced when the recommendations of the 5th and 6th CPC were accepted and implemented by the Ministry of Finance and the Ministry of Home Affairs and that the anomalies and disparities have been continuing till today. Thus, the issue of delay and laches is not attracted to in the present case.

[19] Admittedly, the petitioners were enrolled as Rifleman/ORL and the posts Naik/Havildar are promotional post on acquiring of requisite promotional criteria and availability of vacancy. Hence, demanding of a promotional rank as initial entry after a lapse of more than 30 years is not maintainable and as rightly argued by the learned counsel for the

respondent Union of India, the writ petition is hit on the ground of delay and laches.

[20] It is settled that a discretionary jurisdiction under Article 226 of the Constitution of India need not be exercised if the writ petition is guilty of delay and laches. Delay and laches are relevant factors for exercise of equitable jurisdiction.

[21] Although, there is no period of limitation provided for Filing a writ petition under Article 226 of the Constitution of India, ordinarily, writ petition should be filed within a reasonable time. Admittedly, in the instant case, the petitioners have approached this Court after a lapse of 30 years and such a long delay has not been properly explained by them. When there is an unexplained and inordinate delay, then such a delay may be sufficient to persuade the Court to decline to interfere.

[22] Now coming to the merits of the matter, the petitioners are claiming the benefit of Naik with effect from 1.1.1986. It is apposite to mention that the rank of Naik was promotional in the hierarchy and some of the petitioners were promoted to the rank of Naik during the year 1994, 1995 and 1996. Since rank of Naik was promotional in the hierarchy, as rightly argued by the learned counsel for the respondent

Union of India, the petitioners are not entitled to claim the benefit of Naik with effect from 1.1.1986. Notwithstanding the above, the fact remains that the most of the petitioners were enrolled after 1986 and are now claiming the benefit of Naik with effect from 1.1.1986, cannot be sustainable in the eyes of law.

[23] It appears that the petitioners were promoted to the rank of Havildar/Naib Subedar (ORL) which are promotional post on acquiring requisite qualification and on availability of vacancy based on the Restructured Peace Establishment and Recruitment Rules. Assam Rifles is a Para Military Force and has its own organizational structure, command and control hierarchy based on its charter of responsibility. Hence, Assam Rifles cannot be compared to CAPFs like CRPF, ITBP, BSF and CISF of any other CAPFs. As such no parallel or parity can be drawn between the Assam Rifles and other CAPFs. Therefore, as rightly contended by the learned counsel for the respondent Union of India, personnel status, rank structures and fixation of pay and allowances of Assam Rifles Cadre Officers and personnel of the Assam Rifles is being drawn in terms of the CPC Report under the Ministry of Home Affairs since 01.01.1986.

[24] The difference amongst the various CAPFs and Assam Rifles is natural and likely to continue to exist in view of the different entry

qualifications and working conditions. Since Assam Rifles has a specific organisation, command and control structure based on its charter of responsibility, there is no comparison with other CAPFs. Hence, no parallel can be drawn for the organisation including rank structure. Thus, it is clear that the pay and allowances and rank structure of Assam Rifles personnel cannot be compared with the other Forces, as each Force have their own policy terms and conditions of service, nature of works, job contents, duties and responsibilities. The petitioners were given pay scales as recommended by the Pay Commission and there is no discrimination being done. More so, there is no disparity in the rank and pay structure.

[25] Drawing attention of the Court to the Office Memorandum dated 10.10.1997, the learned counsel for the respondent Union of India submitted the rank of Lance Naik and Naik in the CPOs have been brought at par/equated with the rank of Constables/Rifleman and Head Constables/Havildar respectively. On a perusal of the same, the rank structure in the CPO has been rationalized as under:

SL.NO.	Other CPOs	Assam Rifles
1	Constables/Security Assistant	Rifleman
2	Head Constable	Havildar

3	Assistant Sub Inspector	Warrant Officer
4	Sub Inspector/ACIO-II	Naib Subedar
5	Inspector/ACIO-I	Subedar
6	Subedar Major	Subedar Major

[26] As per the Office Memorandum dated 22.1.1998, the petitioners are only eligible for being upgraded to the rank of Havildar with effect from 10.10.1997 in the pay scale of Rs. 3200-85-49OO subject to their fulfilling all criteria for promotion to the rank i.e., passing of promotion cadre and technical trade test whichever is later. There is no other provision for upgradation of the rank and/or pay for Havildar (ORL) to the next rank merely on passing technical trade test Class-I and Class-II. Passing of these tests is only an essential requisite for promotion to the next higher rank in the organization. However, the actual promotion to the next rank is entirely based on the availability of vacancies and on seniority. Thus, the contention of the petitioners that other CPOs like BSF, CRPF, CISF etc. promote their serving personnel to the rank of ASI/SI just on their passing of Class III/II/I cannot be countenanced and in fact the petitioners have failed to produce documentary proof to base their claim.

[27] The petitioners, who were Riflemen (ORL) in Assam Rifles wole promoted as Naik (ORL). However, all of them were upgraded/promoted to the rank of Havildar with effect from 10.10.1997 or from the date of passing ORL Class III in deference to the judgment of the Meghalaya High Court in certain writ petitions.

[28] As per the Office Memorandum dated 22.1.1998, which was issued in continuation to the Office Memorandum dated 10.10.1997 and resolution dated 30.09.1997, in the case of Head Constable (Radio Mechanic) Grade I and II and Head Constable (Draughtsman) since the Pay Commission has given the replacement pay scale of Rs.4000-6000 in respect of three categories of posts in CPMFs, the three categories may be re-designated as ASI in the pay scale of Rs.4000-6000. As regard the other categories of Head Constable in any CPMFs such as Head Constable (RM, Cry) etc., these posts will continue to be known as Head Constable in the relevant scale of pay approved by the Governments. Therefore, only the Head Constable (RM) Grade I and Grade II and Head Constable (Draughtsman) are entitled to Rs.4000-6000 and Naik or Havildar (ORL) are not entitled to that scale in view of the recommendations of the Pay Commission.

[29] The learned counsel for the Union of India submitted that Head Constable/Havildar was already existing in all other CPMFs prior to 1997 and therefore, it cannot be construed to mean that it was sanctioned vide letter dated 10.10.1997, rather the rank structure was only rationalized for uniformity in all CPMFs. He would further contend that the Ministry of Home Affairs issued no orders to upgrade the posts of Rifleman (ORL) to rank of Head Constable/Havildar as initial rank in this category. However, the hierarchy of the post available were rationalized in conformity to other CPOs by abolishing/re-designating the posts of Lance Naik and Naik in the Force, which was the main aim of the Office Memorandum dated 10.10.1997. . This Court finds some force in the submission made by the learned counsel for the respondent Union of India. Therefore, this Court is of the view that since the rationalization of ranks was implemented in its correct perspective, it cannot be said that the same has caused injustice to anyone. Further, the Assam Rifle authorities have implemented the recommendations of the CPO in its true spirit and granted all the benefits to Assam Rifle personnel as admissible to them.

[30] The rank structures of the various CPOs are governed by the respective Act and cannot be altered without its corresponding amendment of the Act. Even the Ministry of Home Affairs, in its Office

Memorandum dated 31.10.1997 has stated that the Assam Rifles may continue to use the nomenclature for the non-Gazette cadre of the Assam Rifles equivalent to Constable, Head Constable, Sub Inspector and Inspector. As such the contention of the petitioners that they were deprived of their benefits of rank, status and pay of the cadre of Head Constable/Havildar in violation of the Office Memorandum dated 10.10.1997 is erroneous. In fact, the claim of the petitioners dates as far back as 1986 and the grant of relief, if any, will result into wholesale re-structuring of the Assam Rifles combatant cadre which besides being uphill task from the administrative point of view will entail huge financial loss on the public exchequer and misbalances the entire hierarchy of the fighting Force.

[31] The rank structure of respective CAPFs is tailor-made according to the working conditions and organisational requirements of the Force. Parity in rank structure cannot be implemented across the board without taking into consideration its resultant effects on the functional parameters and command and control structure of the Force. Thus, the rank structure of Assam Rifles has been implemented taking note of all the issues in mind and has been tried and tested over the last more than 18 decades.

[32] Placing reliance upon the order dated 10.10.2019 passed in W.P.No.947 of 2017, the learned counsel for the petitioners submitted that in W.P.No.947 of 2017 the petitioners claimed to remuster/upgrade/re-designate them to the rank of Nb/Sub (E&M) and Nb/Sub (B&R), JE as initial rank and after considering the rival submission, this Court directed remusteration of the post of the petitioners therein to the rank of Nb/Sub (E&M) and Nb/Sub (B&R), JE as initial rank in so far as petitioner nos.1, 2, 3, 6 to 10 with effect from the date of completion of Diploma course and the petitioner nos.4 and 5 with effect from 19.1.2007 and pay all service benefits and subsequent post of Subedar and Subedar Major. Relying on the said judgment, the learned counsel for the petitioners prayed for allowing of the present writ petition.

[33] On a perusal of the said judgment, this Court finds that the facts and circumstances of the case in W.P.No.947 of 2017 are entirely different, as the petitioners therein were technically qualified and good experience holders. Taking note of the said fact, this Court extended the benefit to them. However, the present case is entirely different and therefore, the judgment in W.P.No.947 of 2017 will not apply to the facts and circumstances of the instant case.

[34] The petitioners have also relied upon the order passed in W.P.(C) No.256 of 2012 in support of their claim. In the said writ petition, the petitioners demanded that they should be granted the benefits of ACP/MACP Scheme from the date of enrollment by treating their remusteration to Havildar (Cipher) as direct entry. However, in the instant case, the prayer of the petitioners to grant appropriate rank and pay scale to them at par with their counterparts in other CAPFs with effect from 1.1.1986 and also to grant ACP/MACP as per the recommendations of the 5th and 6th CPC. The prayers of the petitioners in both the cases are distinct with each other and not similar in nature. Therefore, this Court is of the view that the petitioners are trying to place irrelevant facts before this Court to gain undue sympathy and more over, they are neither remustered nor are they equal in qualification to operators in CAPFs.

[35] As stated supra, the petitioners were enrolled as Rifleman (ORL) and Naik/Havildar are promotional posts on acquiring of requisite promotional criteria and availability of vacancy and not on passing of Class III, II and I. Further, all Class III, II and I examinations are conducted by the Department on Government expenditure and the petitioners are not acquiring the qualification on their own expenditure.

[36] One thing needs to be noted that the Ministry of Home Affairs vide order dated 9.8.1999 introduced ACP Scheme with effect from 9.8.1999 and in terms of the Scheme and the extension of the benefit of next higher pay scale under the ACP Scheme will be granted in accordance with the existing hierarchy and the first financial upgradation shall be allowed after 12 years of regular service and the second financial upgradation after 12 years of regular service from the date of the first financial upgradation subject to the fulfilment of the prescribed conditions. Condition number 5.1 of the Scheme provides that the two financial upgradations under the Scheme shall be available only if no regular promotion during the prescribed period (12 and 24 years) have been availed by the employees. If an employee has already received one regular promotion, he shall qualify for the second financial upgradation only on completion of 24 years of regular service under the Scheme.

[37] The Ministry of Personnel, Public Grievance and Pensions, vide Office Memorandum dated 19.5.2009'introduced MACP Scheme with effect from 1.9.2008 under which it was directed that there shall be three financial upgradations counted from the direct entry grade on completion of 40, 20 and 30 years of service respectively. Financial upgradation under the Scheme will be admissible whenever a person has spent 10 years

continuously in the same grade pay. MACP envisaged merely placement in the immediate next higher grade pay in the hierarchy of the recommended revised pay bands and grade pay as given in Section I Part A of the first schedule of the CCS (Revised Pay) Rules, 2008. As far as the issue of grant of ACP is concerned, the same benefits have already been extended to ORL and granted ACP/MACP on fulfilment of criteria prescribed by the Ministry. Since the petitioners have been granted the benefit of financial upgradation under ACP Scheme and MACP as per the Government policy, now they cannot claim upgradations under ACP as per the recommendations of 5th CPC and MACP as per the recommendations of the 6th CPC.

[38] Since the petitioners belong to category of ORL of Assam Rifles and their pay, rank and other status cannot be compared to the other trades. Moreover, upgradation of the existing post of Havildar (Clerk) to Warrant Officer (Clerk) is concerned, the entry level education qualification of clerical cadre is more than the education qualification of ORL and the clerk category is categorised as a combatised (ministerial) staff and does not fall within the ORL category of Assam Rifles. The petitioners are categorised as combatised non-Gazetted (non-ministerial), a non-ministerial cadre cannot be compared with the ministerial cadre. Since

the petitioners are trying to interpret the same to their convenience, they cannot be granted appropriate rank Naik/Head Constable/Havildar, as prayed for by them. Further, the petitioners cannot be reappointed to the post of Naik with effect from 1.1.1986 as the recommendations of 4th, 5th, 6th and 7th Pay Commission were accepted by the Government of India and implemented by the organisation in its true spirit and granted all the benefits to the Assam Rifles personnel as admissible to them.

[39] It is reiterated that the rank structures of the various CPOs are governed by the respective Act and cannot be altered without its corresponding amendment of the Act. Besides even the Ministry of Home Affairs vide its Office Memorandum dated 31.10.1997 has stated that Assam Rifles may continue to use the nomenclature for the non-Gazetted cadre of the Assam Rifles equivalent to Constable, Head Constable, Sub Inspector and Inspector. As such the plea of the petitioners that they be reappointed to the post of Naik which has been merged with Head Constable and which also corresponds to the post of Havildar in Assam Rifles with effect from 1.1.1986 in the scale of pay 950-20-1150-EB-25-1400 (revised scale of Rs.3200-85-4900) with effect from 1.1.1996 is bereft of merit. Notwithstanding the above, there is no disparity in the category of ORL as well as the other trades of Assam Rifles.

[40] Apart from the above, there are number of departmental remedies available to resolve the issues relating to the rank structure and pay and allowances like Grievances Cell from Battalion to Headquarters DGAR level and Director General Open Forum, through which Force personnel can place their grievances before the Competent Authorities for their resolution. In the instant case, the petitioners have not utilized the remedies available to them and directly approached this Court. In view of the discussions held supra, this Court is of the view that there is no merit in the claim made by the petitioners and the instant writ petition is also liable to be dismissed on the ground of delay and laches.

[41] In the result, the writ petition is dismissed. No costs.

JUDGE

FR/NFR

John kom

WAIKHOM TONEN MEITEI

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