

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9812 of 2021

1. Niraj Kumar Son of Uday Shankar Singh, (JC No. JC772848P), resident of Village - Bhagwanpur P.S. - Kanti, District - Muzaffarpur retired as Junior Commissioned Officer Naib Subedar, Electronic Mechanical, Engineering Corps (EME) 233 (I) feild work shop, coy EME Darmuk Lah (Highest work shop of world.
2. Shashi Bhushan Prasad Singh Son of Birendra Prasad Singh, resident of Village - Diha, P.S. - Ariyari, District - Sheikhpura, working as JCO PMO (Project Management Organisation) Command Information Decision Support System (CIDISS) New Delhi.

... .. Petitioner/s

Versus

1. The Union of India through the Chief of Army Staff Sena Bhawan, New Delhi.
2. The Chief of Army Staff Sena Bhawan, New Delhi.
3. The Defence Secretary Ministry of Defence, New Delhi.
4. The Chief Secretary Officer, Ministry of Defence Security office H Block DHQ Post Office, Krishna Menan Marge, New Delhi.
5. The Deputy Director (Security) Chief Secretary Officer Krishna Menan Marge, New Delhi.
6. The Under Secretary, Ministry of Defence Room No. 319 - B Wing, Sena Bhawan, New Delhi.
7. The Director Standing Army Pay Commission Selection (SAPCS) GHQ, Ministry of Defence, Army Adjutant Generals Branch West Block - III, R.K. Puram New Delhi - 110066.
8. The adjutant General, GHQ, Ministry of Defence, Army West Block - III, R.K. Puram New Delhi - 110066
9. The Colonel Records, Electronic Mechanical Engineer corp. (EME) Secun-drabad - 500015.
10. The Commanding Officer, Electronic Mechanical Engineer corp. (EME) Se-cundrabad - 500015.
11. The Officer In-charge, Principal Controller of defence Accounts (PCDA), Allahabad, Prayagraj, Uttar Pradesh - 211003.
12. The Officer In-charge PAO (ORS) EME Secundrabad - 500015.
13. The Chief of Defence Staff (CDS) Ministry of Defence, Department of Min-istry Affairs, Sena Bhawan, New Delhi - 110011.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Shashi Bhushan Singh, Advocate
For the Respondent/s	:	Mr. Dr. K. N. Singh (ASG)
		Mr. R.K. Sharma, CGC



CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT

Date : 08-03-2022

Heard learned counsel for respective parties.

In the instant petition, petitioner has prayed for the following reliefs:-

“(1) For issuance of an appropriate writ in the nature of Mandamus commanding and directing the respondent authorities to grant starting pay level of Group B Gazetted officer pay level 8 (Rs. 47000 -151000) in place of pay level- 6 as section officers group B (Gazetted), working in same Ministry are getting pay level-8 but having same status group B gazetted the petitioners (JCO) are not getting the same and further a direction to grant consequential benefit thereupon from due date till date of payment and on account of completion of 4 years in level 8 the petitioner may be given level 10. (11) For issuance of an appropriate writ in the nature of Mandamus commanding and directing the respondent authority to issue blue securitised laminated identity cards (SLIC) which are issued to the section officer working in same Ministry mere on reason that the section officers are group B gazetted officer and group -B gazetted officer are allowed blue securitised laminated identity cards (SLIC) but petitioners are discriminated. (U) For issuance of any other appropriate writ/ writs, order/orders, direction/directions for which the writ petitioner shall be found entitled under facts and circumstances of the case.”



The present petition cannot be entertained under Article 226 of the Constitution. In the light of provisions of Armed Forces Act, 2007, the petitioner is at liberty to prefer petition/application before the jurisdictional forum within a reasonable period of time. If such application or petition is filed the concerned jurisdictional authority is hereby directed to take note of Section 14 of the Limitation Act, 1963 for the purpose of condonation of delay in presenting the petition or application.

With the aforesaid observations, the present petition stands disposed off.

(P. B. Bajanthri, J)

Vikash/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	
Transmission Date	N/A

