



2025:DHC:10678-DB



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IN THE HIGH COURT OF DELHI AT NEW DELHI*Reserved on : 12th November, 2025**Pronounced on : 1st December, 2025*

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W.P.(C) 10493/2017, CM APPL. 1116/2020, CM APPL. 52138/2024
CM APPL. 14235/2025ASSAM RIFLES EX-SERVICEMEN WELFARE ASSOCIATION
(ALL INDIA)

.....Petitioner

Through: Mr. Shadan Farasat, Sr. Adv. with
Mr. P.Rohit Ram, Mr. Sanyam Jain &
Mr. Pranav Sachdeva, Advocates.

versus

UNION OF INDIA AND ORS

.....Respondents

Through: Mr. Jagdish Chandra, Mr. Ruchir
Mishra, Mr. Sanjiv Kr. Saxena, Mr.
Mukesh Kr. Tiwari, Ms. Poonam
Shukla, Ms. Reba Jena Mishra & Mr.
Sidharth Bajaj, Advocates.**CORAM:****HON'BLE MR. JUSTICE DINESH MEHTA****HON'BLE MR. JUSTICE VIMAL KUMAR YADAV****JUDGMENT****Per DINESH MEHTA, J.**

1. The Petitioner is an Association of Ex-servicemen of Assam Rifles who have settled in various parts of the country after their superannuation. The Association has approached this Court invoking its Extraordinary Jurisdiction under Article 226 of the Constitution of India seeking a *Mandamus* to the Respondents to extend equal emoluments and benefits which their counterparts in other services are being granted, more particularly the Indian Army.

2. Apprising the Court about the factual matrix, learned counsel for the Petitioner submitted that Assam Rifles has its origin since 1835, which was initially raised as the “*Cachar Levy*” and later on was designated as “Assam



Frontier Police” in 1883; its name was changed to “Assam Military Police” in 1891 and then to “Eastern Bengal and Assam Military Police” in 1913, before it was ultimately renamed as “Assam Rifles” in 1917.

3. It has been recognised for its contribution in the World War-I in coordination with the Indian Army, whereafter it actively took part in World War-II and was involved in all major pre-independence and post-independence wars and also in almost all counter-insurgency operations. He submitted that various personnel of the Assam Rifles have laid their lives and have been rewarded/awarded by the Government of India for exhibition of great valour.

4. According to the Petitioner, their paymaster is the Ministry of Home Affairs (*hereinafter referred to as 'MHA'*) which exercises administrative control over the Assam Rifles as per the Government of India (Allocation of Business) Rules 1961 (*hereinafter referred to as '1961 Rules'*), while their work-master is the Ministry of Defence (*hereinafter referred to as 'MoD'*) which exercises operational control over the Assam Rifles. Learned counsel contended that it is essentially because of the ‘dual control’ of the two separate masters under whose control they operate, that the problem has arisen and they are not getting what they should legally get on the basis of the duties they discharge.

5. Learned counsel for the Petitioner submitted that the personnel engaged in Assam Rifles are superior than those working in the Army because they not only safeguard the posts on the frontiers but also provide services during other exigencies arising on account of any insurgencies within the country, etc. It was also asserted that the skills they possess and the duties they discharge are in no manner less than the persons working in Army.



6. While highlighting that the Assam Rifles does not fall within the ambit of Central Armed Police Force (CAPF) or 'Police', the learned counsel for the Petitioner contended that the Respondents have arbitrarily amended the 1961 Rules and placed Assam Rifles under the head 'Police' which is violative of Article 14 of the Constitution of India; Section 13 of the Assam Rifles Act, 1941 (*hereinafter referred to as the 'Act of 1941'*) as well as Section 168 of the Assam Rifles Act, 2006 (*hereinafter referred to as the 'Act of 2006'*).

7. Learned counsel also submitted that Petitioner-Association has been agitating the cause of its members by way of filing writ petitions etc. and in one of such writ petitions which was filed at Kerala High Court being WPC no. 23422/2013 decided on 30.01.2015, the Kerala High Court had directed the Central Government to extend 'Ex-service men Contributory Health Scheme' (ECHS) facilities to retired personnel of Assam Rifles akin to Special Frontier Forces (SFF) and Indian Coast Guards (ICG), which have been described as Para Military Forces, covered by the ECHS facilities.

8. Learned counsel read the relevant part of the judgement in order to bring home his point that the personnel of Assam Rifles or retired employees who had been a part of Assam Rifles have/had discharged roles similar to all Para Military Forces and therefore, they are entitled to get equal treatment and emoluments from the Central Government.

9. Learned counsel further submitted that the personnel working in SFF have been held equal to the persons working in the Indian Army for the purpose of pay scale and pensions, and there is no reason why the members of the Petitioner-Association should not be treated equal to Indian Army as the personnel in SFF have been treated.

10. Learned counsel for the Petitioner submitted that after agitating its



cause for past so many years, the Association had consequently been able to persuade the Central Government to constitute the Parliamentary Committee to look into the grievance raised by the Association. He submitted that the Parliamentary Standing Committee on Home Affairs considered the issue in detail in furtherance of the representation to the Committee seeking amendment of the 1961 Rules to bring an end to the dual control over the Assam Rifles due to which its *Jawans* have to face hardships.

11. Learned counsel raised a grievance that the Parliamentary Standing Committee forwarded its Report No. 214 and clearly opined that the dual control mechanism over the Assam Rifles should be done away with, but in spite of this, the Central Government has not put a step forward towards implementation of the afore recommendations. The relevant parts of the above referred Report No. 214, relied upon by learned counsel for the Petitioner are being reproduced hereinunder:

“2.16 Welfare Schemes and Issues

2.16.1 Assam Rifles is a designated paramilitary force and is under the operational control of the Indian Army. However, administrative control is vested with the Ministry of Home Affairs. Hence, all policies on pension are applicable as promulgated by Government of India. Since New Pension Scheme has been introduced w.e.f 2004, Assam Rifles personnel are eligible for NPS only. Any change to the implementation on pension is reviewed at the level of the Government.

2.16.2 As per the Assam Rifles website, duties of the Assam Rifles are as under:

- (i) to conduct counter-insurgency operations, in the Northeast and other areas, where deemed necessary under control of the Indian Army;*
- (ii) to ensure the security of India-China and India-Myanmar borders, during peace and 'Proxy War';*
- (iii) rear area security in the Tactical Battle Area (TBA) during the war; and*
- (iv) to act as a penultimate interventionist force of the Central Government in the internal security*



situation, under the control of Army, when the situation goes beyond the control of Central Paramilitary operations.

2.16.3 The Assam Rifles Ex-Servicemen Welfare Association (All India), in its representation to the Committee, requested for amendment of the Government of India Allocation of Business Rules, 1961 to end the dual control mechanism of Assam Rifles, because of which a lot of hardship is faced by the jawans of AR.

2.16.4 The Association, in its representation, stated that the Assam Rifles is categorised as 'Police' under the Department of Internal Security in the Ministry of Home Affairs as per the Government of India (Allocation of Business) Rules, 1961. The Association is of the view that existing system is inconsistent with the stated 'Role and Task of the Force'.

2.16.8 The Committee notes that historically the Assam Rifles Force has performed the two primary roles of conducting counter-insurgency operations in the Northeast and guarding the India-Myanmar border. The Committee accepts the fact that the Assam Rifles is entirely different from the other border guarding Forces such as BSF, SSB, and ITBP in as much as that these Forces are situated right on the border as per the border-outpost based model, the Assam Rifles on the other has continued to follow the Company-operating-base model, wherein the companies of the force are located near but not at the border. The Committee is of the view that the dual role of the Assam Rifles must be performed by two separate forces specially trained for the purpose. The Committee, therefore, recommends that the Assam Rifles should be assigned a single specialized role of performing counter-insurgency operations in the North-East. The Committee also recommends that possibility of a separate Indo-Myanmar Border Force, under the control of the Ministry of Home Affairs, may be explored for the purpose of guarding the India-Myanmar border.

2.16.9 The Committee, in this connection, wishes to draw the attention of the Ministry towards the recommendation made in para 2.14.3 of its 203rd report on 'Border Security: Capacity Building and Institutions' and reiterate the said recommendation that an early decision should be taken by the Government on deployment of a dedicated border guarding force for guarding the India-Myanmar



Border.

2.16.15 The Special Frontier Force (SFF), a para-military force led by a Major General of Indian Army as its Inspector General, headquartered in New Delhi, was created in November 1962 in the backdrop of Chinese aggression by the then Prime Minister Shri Jawaharlal Nehru. SFF has been modeled on the lines of the Indian Army and the Assam Rifles. There are several similarities between SFF and Assam Rifles in terms of their service conditions, training, leadership by the Army, rank structure of the 'Personnel Below Officer Rank' (PBOR), etc.

2.16.17 The Committee takes note of the fact that the personnel of the Special Frontier Force, which is a paramilitary force like the Assam Rifles, have already been accorded parity with Group 'Y' 'Personnel Below Officer Rank' of the Indian Army for the purpose of pay, allowance and pension. The Committee wonders as to why the Assam Rifles personnel have been deprived of such benefits. The Committee feels that this has caused undue discrimination towards the personnel of the Assam Rifles, who have been deprived of the benefits accorded to other paramilitary forces. The Committee, therefore, recommended that the Assam Rifles may be immediately given parity with Group 'Y' 'Personnel Below Officer Rank' of the Indian Army for the purpose of pay, allowance and pension on the lines of the Special Frontier Force."

12. Learned counsel for the Petitioner submitted that the action of the Respondents in depriving the members of the Association of equal salary and emoluments, which the members of the Indian Army are getting, is not only arbitrary but also contrary to the constitutional ethos which enjoin upon the State to give equal pay for equal work. He added that when two similarly situated personnel are discharging similar duties, the State cannot become partisan.

13. Learned counsel for the Respondents, on the other hand, submitted that the Border Security Force (BSF) and Assam Rifles essentially watch the border and take part in counter-insurgency operations, but they are not



entitled to claim equal pay as the Army personnel.

14. Learned counsel for the Respondents further submitted that in furtherance of the direction issued by this Court *vide* its order dated 03.09.2020, the Committee convened its meeting and has taken a decision that the nature of services rendered and duty discharged by the members of the Petitioner-Association cannot be equated with those of Army personnel. He pointed out that Army Sepoy serves for 16 years (up to the age of 54 years), whereas personnel recruited in Assam Rifles can serve up to the age of 60 years.

15. Learned counsel for the Respondents invited Court's attention towards para no. 6 of the affidavit submitted by Respondents Nos. 1, 2 & 3, wherein a chart giving a comparative study of the role and responsibilities as well as the different age of retirement of the Army *vis-à-vis* Assam Rifles has been catalogued. The learned counsel submitted that the members of the Petitioner Association are getting what they are legally entitled to and if the comparison of their duties is considered, it cannot be said that the Union of India has, in any manner, done any discrimination.

16. Learned counsel for the Respondents submitted that the Special Frontier Force (SFF) and Indo Tibetan Border Police (ITBP) may get a bit higher pension as they enjoy a different status in light of the duties they discharge, moreso, since the members of the SFF and the ITBP work directly under the control and supervision of Hon'ble Prime Minister, the Petitioner cannot compare the service conditions of its members with that of the SFF, ITBP, etc.

17. Learned counsel for the Respondents in the end submitted that the Petitioner-Association has claimed parity with the Indian Army and not with the SFF. He further submitted that the Petitioner-Association has no case



worth consideration and writ petition is liable to be rejected.

18. Learned counsel for the Petitioner-Association in rejoinder submitted that up to 3rd Central Pay Commission, the members of the Petitioner-Association who were serving the Union of India were getting equal pay and emoluments with the personnel of Armed Forces or Indian Army up to applicability of 3rd Central Pay Commission; however, from 4th Central Pay Commission some irrational recommendation were made and the Assam Rifles was placed at par with Central Police Organization (known as CAPF). He submitted that breach of the parity *vis-à-vis* the pays and emoluments being paid to the members of Indian Army is arbitrary, and in violation of the Fundamental Rights conferred upon each member of the society, thus liable to be quashed.

19. Learned counsel for the Petitioner-Association argued that since 4th Central Pay Commission was implemented, there has been no change in nature of duties performed by the members of the Assam Rifles and they continue to operate under the control of Indian Army and discharge their military functions and hence, disparity in monetary benefits with the corresponding members of the Indian Army being violative of the Article 14 of the Constitution of India is liable to be set aside.

20. Learned counsel argued that the Kerala High Court in its judgment dated 30.01.2015 has dilated upon this issue and corresponding duties being discharged by the members of SFF, ICG and the Assam Rifles and prayed that the Respondents be directed to provide benefits of ECHS in place of CGHS.

21. Heard learned counsel for the parties and perused the records.

22. So far as judgment dated 30.01.2015 passed by the Kerala High Court is concerned, we would like to observe that though Kerala High Court had



examined the issue to a limited extent and compared the duties assigned to the members of Assam Rifles *vis-à-vis* SFF and ITBP. In any case, it was a case of ECHS benefits. It is right that the benefit of free and accessible health services to all the citizens including members of Assam Rifles and all other Central Government employees cannot be denied.

23. However, providing a facility under ECHS is altogether a different matter, than providing equal pay as being paid to the personnel of the Indian Army. Without ECHS facility, members of Assam Rifles were included in the CGHS and were otherwise getting benefits of health services. For the purpose of extending such facility, the Kerala High Court has considered the personnel of Assam Rifles equal to SFF or ITBP. But with the same logic, it cannot be said that they are entitled to get emoluments equal to the members of SFF and ITBP and in turn, equal to Indian Army.

24. The Parliamentary Standing Committee on Home Affairs in its Report No. 214, made recommendation only to the fact that Assam Rifles be subjected to control and supervision by one Ministry. Such recommendation though has not been finally approved by the Central Government cannot be considered as a recommendation for giving emoluments and monetary benefits equal to the members of the Indian Army.

25. Apart from the above, taking into account para no. 6 of the counter affidavit filed by the Respondent, we find that there is a vast distinction between the duties discharged and nature of work performed by the personnel of Indian Army and CAPF, if compared with the personnel of Assam Rifles. It will not be out of place to reproduce the relevant extracts of the counter affidavit:



<i>ARMY</i>	<i>ASSAM RIFLES</i>
<i>To defend the nation from external aggression, to protect vital national interests and to fulfil national military responsibilities.</i>	<i>To ensure the security of the borders of India, to carry out counterinsurgency operations and to act in aid of civil authorities for the maintenance of law and order and the matters connected therewith.</i>

<i>In Army</i>		<i>In Assam Rifles</i>		<i>In CAPF</i>	
<i>Other Ranks</i>	<i>Retirement age of</i>	<i>Other Ranks</i>	<i>Retirement age of</i>	<i>Other Ranks</i>	<i>Retirement age of</i>
<i>Sepoy</i>	<i>42 years or 19 years of service</i>	<i>Rfn</i>	<i>60 years of age</i>	<i>Constable</i>	<i>60 years of age</i>
<i>Naik</i>	<i>49 years or 24 years of service</i>	<i>Havildar</i>	<i>60 years of age</i>	<i>Head Const</i>	<i>60 years of age</i>
<i>Havildar</i>	<i>49 years or 26 years of service</i>	<i>Warrant Officer</i>	<i>60 years of age</i>	<i>NA</i>	<i>60 years of age</i>
<i>Naib Subedar</i>	<i>52 years or 28 years of service</i>	<i>Naib Subedar</i>	<i>60 years of age</i>	<i>Asstt Sub Insp</i>	<i>60 years of age</i>
<i>Subedar</i>	<i>52 years or 30 years of service</i>	<i>Subedar</i>	<i>60 years of age</i>	<i>Sub Insp</i>	<i>60 years of age</i>
<i>Subedar Major</i>	<i>54 years or 35 years of service</i>	<i>Subedar Major</i>	<i>60 years of age</i>	<i>Insp</i>	<i>60 years of age</i>

26. Even if other things are ignored, according to us the fact that the personnel of Indian Army serve up to 54 years of age or a maximum for 16 years, whereas the members of Assam Rifles serve up to the age of 60 years is a valid reason for giving lesser pensionary benefits, or other emoluments to the personnel of Assam Rifles.

27. Furthermore, paying the emoluments and salary etc. lies within the



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exclusive domain of the employer and the Central Government. The High Court under Article 226 of the Constitution in exercise of its Extraordinary Jurisdiction cannot issue any direction in this regard.

28. Even though no argument was advanced and no submission was made by the Respondents qua the reasons of the 4th Central Pay Commission bringing anomaly in pay & emoluments of the personnel of Assam Rifles after 3rd Central Pay Commission, this Court finds that no plausible reasons have come forth for such change.

29. The Petitioner may, therefore, submit a comprehensive representation to the competent authorities highlighting their grievance in relation to the parity in pay and other emoluments, which seems to have been diluted after the 4th Central Pay Commission. The concerned authorities shall consider such representation within a period of 3 months of receipt of the representation, in accordance with law.

30. Writ petition alongwith pending applications, if any, stands disposed of accordingly.

**DINESH MEHTA
(JUDGE)**

**VIMAL KUMAR YADAV
(JUDGE)**

DECEMBER 01, 2025/nk