



IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE HARISANKAR V. MENON

MONDAY, THE 21ST DAY OF OCTOBER 2024 / 29TH ASWINA, 1946

WP(C) NO.20037 OF 2018

PETITIONERS:

- 1 K.VIJAYADHARAN PILLAI @ K.V.PILLAI,
S/O. LATE R.KOCHIKKA KURUP, PERSONAL NO. C. 360293,
NAIB SUBEDAR [RETIRED], ASSAM RIFLES, RESIDING AT
SARASWATHY NIVAS, THOYITHALA, VADAMON P.O, VIA ANCHAL,
KOLLAM 691 306.
- 2 G.RAVEENDRAN NAIR, S/O. LATE KUNJUKRISHNA PILLAI,
PERSONAL NO. C. 360059, SUBEDAR MAJOR [RETIRED],
ASSAM RIFLES, RESIDING AT ASWATHY, PANGODE, VENGANOR
P.O, THIRUVANANTHAPURAM 695 573.
- 3 K.A.THANKAPPAN, S/O. LATE A.AYYAPPAN, PERSONAL NO. C
360064, WARRANT OFFICER [RETIRED], ASSAM RIFLES,
RESIDING AT PALAMOOTTIL HOUSE, MALAKUNNAM P.O,
CHANGANASSERY, KOTTAYAM 686 552.
- 4 K.R.THANKAPPAN,S/O.LATE S.RAMAN, PERSONAL NO.C.360064,
WARRANT OFFICER [RETIRED], ASSAM RIFLES, RESIDING AT
PALAMOOTTIL HOUSE, MALAKUNNAM P.O, CHANGANASSERY,
KOTTAYAM 686 552.
- 5 M.SREENIVASAN, S/O.LATE V.MADHAVAN, PERSONAL
NO.C.360070, WARRANT OFFICER [RETIRED], ASSAM RIFLES,
RESIDING AT SREENILAYAM, THANALAKKAL SOUTH P.O,
KUMARAPURAM, ALAPPUZHA 690 548.
- 6 A.G.S PANICKER, S/O.LATE GOPALA PILLAI, PERSONAL
NO.C.360076, WARRANT OFFICER [RETIRED], ASSAM RIFLES,
RESIDING AT ALAPPURATHU HOUSE, VALLAMKULAM P.O,
PATHANAMTHITTA 689 541.



- 7 T.J.THOMAS, S/O.LATE T.P.JOHN, PERSONAL NO.C.360084, WARRANT OFFICER [RETIRED], ASSAM RIFLES, RESIDING AT THOPPIL HOUSE, VADASSERIKKARA P.O, PATHANAMTHITTA 689 662.
- 8 C.THANKACHAN, S/O.LATE G.KUNJUKUNJU, PERSONAL NO.C.360096, WARRANT OFFICER [RETIRED], ASSAM RIFLES, RESIDING AT POIKAVILA VEEDU, KAREEPRA, KUZHIMATHICADU P.O, KOLLAM 691 509.
- 9 THANKAPPAN PILLAI M.S
S/O. LATE SIVARAMA PANICKER, PERSONAL NO.C.360115, WARRANT OFFICER [RETIRED], ASSAM RIFLES, RESIDING AT KULATHINKAL HOUSE, CHALAPPALLY P.O, VIA EZHUMATTOOR, PATHANAMTHITTA 689 586.
- 10 Y.BABYKUTTY, S/O.LATE K.YOHANNAN, PERSONAL NO.C.360132, WARRANT OFFICER [RETIRED], ASSAM RIFLES, RESIDING AT KALEEKKAL HOUSE, P.O MAMALA, VIA THIRUVANKULAM, ERNAKULAM 682 305.
- 11 K.S.THANKACHAN, S/O.LATE CHACKO ZAKARIA, PERSONAL NO.C.360145, WARRANT OFFICER [RETIRED], ASSAM RIFLES, RESIDING AT KOTTAPURATHU HOUSE, CHANDANAPETTY P.O, PATHANAMTHITTA 689 048.
- 12 AMMINI IDICULA, W/O.LATE D.IDICULA, PERSONAL NO.C.360208, NAIB SUBEDAR [RETIRED], ASSAM RIFLES, RESIDING AT KANCHACHEDATHU HOUSE, NEDUMONCAVU P.O, KODAL, PATHANAMTHITTA 689 693.
- 13 K.S.DEVASIA, S/O.LATE EAPPEN DEVASIA, PERSONAL NO.C.360209, WARRANT OFFICER [RETIRED], ASSAM RIFLES, RESIDING AT KARIMATTOM HOUSE, KURISUMMOODU P.O, CHANGANASSERY, KOTTAYAM 686 104.
- 14 M.T.OUSEPH, S/O.LATE THOMMI THOMAS, PERSONAL NO.C.360210, NAIB SUBEDAR [RETIRED], ASSAM RIFLES, RESIDING AT MULLEPPM MADOM P.O, MAMPUZHAKKARI, ALAPPUZHA 689 595.
- 15 GEORGEKUTTY, S/O.LATE MATHAI, PERSONAL NO. 360214, WARRANT OFFICER [RETIRED] ASSAM RIFLES, RESIDING AT



HELNA NILAYAM, PUTHENKAVU P.O, CHENGANNOOR 689 123.

- 16 N.SREEDHARAN, S/O.LATE V.NARAYANAN, PERSONAL NO.C.360228, WARRANT OFFICER [RETIRED], ASSAM RIFLES, RESIDING AT KARTHIKA, KANNANAMKUZHI, KULASEKHARAM, KODUNGANNOOR P.O, THIRUVANANTHAPURAM 695 013.
- 17 N.S.PILLAI, S/O.LATE N.UNNITAH, PERSONAL NO.360229, WARRANT OFFICER [RETIRED], ASSAM RIFLES, RESIDING AT KUTTILATHU PADEETTATHIL, PULIYOORVENCHI EAST, THAZHAVA P.O, KOLLAM 690 523.
- 18 N.S.VIJAYAKUMAR, S/O.LATE SIVASANKARA PILLAI, PERSONAL NO.C.360231, WARRANT OFFICER [RETIRED], ASSAM RIFLES, RESIDING AT ANUGRAHA, ITHITHANAM P.O, CHANGANACHERRY, KOTTAYAM 686 539.
- 19 KRISHNA WARRIER M.M., S/O.R.MADHAVA WARRIER, PERSONAL NO. 360232, WARRANT OFFICER [RETIRED], ASSAM RIFLES, RESIDING AT MADATHIL WARRIAM, THOTTAKKADU P.O, KOTTAYAM 686 539.
- 20 P.K.SIVARAMAN, S/O.LATE C.K.KRISHNAN NAIR, PERSONAL NO.C.360233, WARRANT OFFICER [RETIRED], ASSAM RIFLES, RESIDING AT MANIKKATTU VILASOM, ERAZHA NORTH, CHETTIKULANGARA P.O, MAVELIKKARA 690 106.
- 21 Y.BABYKUTTY, S/O.LATE YOHANNAN, PERSONAL NO.C.360528, WARRANT OFFICER [RETIRED], ASSAM RIFLES, RESIDING AT EMMANUEL BHAVAN P.O, PARANTHAL VIA, PANTHALAM, PATHANAMTHITTA 690 501.
- 22 SOMAN Y., S/O.LATE YOHANNAN, PERSONAL NO.C.360269, WARRANT OFFICER [RETIRED], ASSAM RIFLES, RESIDING AT PARAVILA HOUSE, KIZHAKKETHERUU, CHENGAMANADU P.O, KOTTARAKKARA, KOLLAM 661 557.
- 23 ARAVINDAKSHAN NAIR, S/O.LATE VASEDEVAN PILLAI, PERSONAL NO.C.360274, WARRANT OFFICER [RETIRED], ASSAM RIFLES, RESIDING AT PULARI, VETTIYARA P.O, NAVAIKULAM, THIRUVANANTHAPURAM 695 603.
- 24 V.SIVARAMAN, S/O.LATE VELAYUDHAN, PERSONAL NO.C.360278,



WARRANT OFFICER [RETIRED], ASSAM RIFLES, RESIDING AT DEEPAM, P.O NOORANADU, ALAPPUZHA 690 504.

- 25 K.M.YOHANNAN, S/O.LATE MATHAYI, PERSONAL NO.C.360285, WARRANT OFFICER [RETIRED], ASSAM RIFLES, RESIDING AT KAKKANATTU MELAYIL HOUSE, KATTOOR P.O, KOZHENCHERI, PATHANAMTHITTA 689 650.
- 26 P.SIVASANKARANKUTTY, S/O.LATE N.PARAMU, PERSONAL NO.C.360286, WARRANT OFFICER [RETIRED], ASSAM RIFLES, RESIDING AT SANKARASADANAM, KOTTATHALA P.O, KOTTARAKKARA, KOLLAM 691 507.
- 27 JOSEPH P.M., S/O. LATE M.MATHAYI, PERSONAL NO.C.360295, NAIB SUBEDAR [RETIRED], ASSAM RIFLES, RESIDING AT PARACKAL HOUE, CHITTAR P.O, PATHANAMTHITTA 689 663.
- 28 K.S.KURIAN., S/O.LATE MATHEW KURIAN, PERSONAL NO.C.360296, NAIB SUBEDAR [RETIRED], ASSAM RIFLES, RESIDING AT KAIPPUMPURATHU HOUSE, EZHUMATOOR P.O, PATHANAMTHITTA 689 586.
- 29 T.C.KUNJUMON., S/O.LATE CHACKO, PERSONAL NO.C.360297, WARRANT OFFICER [RETIRED], ASSAM RIFLES, RESIDING AT THANNIMMOTTIL HOUSE, THETTIYOOR P.O, PATHANAMTHITTA 689 544.
- 30 P.K.NAIR, S/O.LATE PARAMESWARAN NAIR, PERSONAL NO.C.360298, WARRANT OFFICER [RETRIED], ASSAM RIFLES, RESIDING AT ORUPPATTIL HOUSE, KULANADA P.O, PANTHALAM, PATHANAMTHITTA 689 503.
- 31 MATHEW C.T., S/O.LATE P.V.THOMAS, PERSONAL NO.C 360299, WARRANT OFFICER [RETIRED], ASSAM RIFLES, RESIDING AT CHAKKALAKUZHIIYIL HOUSE, CHITTAR P.O, PATHANAMTHITTA 689 663.
- 32 N.SHADEVAN., S/O.LATE NARAYANAN, PERSONAL NO.C.360304, NAIB SUBEDAR [RETIRED], ASSAM RIFLES, RESIDING AT REVATHY, PATTOLI MARKET P.O, ALAPPUZHA 690 531.
- 33 THOMAS M.S., S/O. LATE THOMAS SAMUEL, PERSONAL NO.C.360308, WARRANT OFFICER [RETIRED], ASSAM RIFLES,



RESIDING AT BENNY BHAVAN, THUMPAMON NORTH P.O,
PATHANAMTHITTA 689 625.

- 34 RAMACHANDRAN NAIR N, S/O.LATE NARAYANAN NAIR, PERSONAL
NO.C.360324, WARRANT OFFICER [RETIRED], ASSAM RIFLES,
RESIDING AT CHALUVATHALA HOUSE, THATTIKAD, KOYPURAM P.O,
PATHANAMTHITTA 659 531.
- 35 MATHEN P.V., S/O.LATE VARGHESE MATHEW, PERSONAL
NO.C.360324 WARRANT OFFICER [RETIRED], ASSAM RIFLES,
RESIDING AT PULIYAPPRAYIL HOUSE, KUTTUR P.O, THIRUVALLA
689 106.
- 36 P.L.KARUNAKARAN, S/O.LATE NANU ACHARY, PERSONAL
NO.C.360327, NAIB SUBEDAR [RETIRED], ASSAM RIFLES,
RESIDING AT SOORAJ VILLA, PALECKATHALADI P.O, VIA
KUNNAMTHANAM, PATHANAMTHITTA 689 581.
- 37 THANKACHAN M.Y., S/O.LATE M.YOHANNAN, PERSONAL
NO.C.360345 WARRANT OFFICER [RETIRED] RESIDING AT
MULLASSERIL KIZHAKKATHIL, EZHAMULAM NORTH P.O,
PUTHUMALA, PARAKKODU, PATHANAMTHITTA 691 554.
- 38 KOSHY C.D., S/O.LATE K.DANIEL, PERSONAL NO.C 360356,
SUBEDAR MAJOR [RETIRED], RESIDING AT CHARIVUVILAYIL
HOUSE P.O, VADAKKUMPURAM, PATHANAMTHITTA 689 653.
- 39 S.K.UNNITHAN., S/O.LATE SUDHAKARAN UNNITHAN, PERSONAL
NO.360361, WARRANT OFFICER [RETIRED], ASSAM RIFLES,
RESIDING AT KRISHNA VILASAM, PUTHUR P.O, KOLLAM 691 507.
- 40 CHANDRAN K.A., S/O.LATE K.R.APPU, PERSONAL NO.C.360369,
WARRANT OFFICER [RETIRED], ASSAM RIFLES, RESIDING AT
KODIYETTEL HOUSE, AYNOR, PAZHANJI P.O, THRISSUR-680
542.
- 41 SAMUEL C.G., S/O. LATE C.S GEORGE, PERSONAL NO. C 360
370, WARRANT OFFICER [RETIRED], ASSAM RIFLES, RESIDING
AT CHARUVUPARAMPIL HOUSE, P.O VAYYATTUPUZHA,
PATHANAMTHITTA 689 663.



- 42 P.P.C PILLAI., S/O. LATE PARAMESWARAN NAIR, PERSONAL NO.C.360373, WARRANT OFFICER [RETIRED], ASSAM RIFLES, RESIDING AT MELAKKATTUKUZHUY, PUNNAMTHARIAM P.O, PATHANAMTHITTA 689 581.
- 43 M.N.V PILLAI, S/O. LATE NARAYANA PILLAI, PERSONAL NO.C.360374, WARRANT OFFICER [RETIRED], ASSAM RIFLES, RESIDING AT KANNANANJILICKEL HOUSE, PERUVANANKUZH P.O, PULLAD, THIRUVALLA, PATHANAMTHITTA 689 583.
- 44 M.G.GEEVARGHESE, S/O.LATE M.G.GEORGE, PERSONAL NO.C.360376, WARRANT OFFICER [RETIRED] ASSAM RIFLES, RESIDING AT MANAPPARAMPIL HOUSE, KADAMANKULAM P.O, PATHANAMTHITTA 689 583.
- 45 SUJATHA, W/O.LATE GOPI T.K., PERSONAL NO.C-360391,WARRANT OFFICER(RETIRED), ASSAM RIFLES,RESIDING AT NAVOLIL, VADAKKATHIL PO,ENNAKKADU, ALAPPUZHA-689 624.
- 46 K.T.RAJAN, S/O.LATE THOMAS DANIEL, PERSONAL NO.C-360396,WARRANT OFFICER(RETIRED), ASSAM RIFLES, RESIDING AT OUPPAN MANEL HOUSE, NETTIYARA PO,AYIROOR, THIRUVALLA, PATHANAMTHITTA-689 612.
- 47 PRABHAKARAN PILLAI, S/O.LATE RAMAN PILLAI, PERSONAL NO.C-360406,WARRANT OFFICER(RETIRED), ASSAM RIFLES, RESIDING AT EDAPPANAKUZHAKKETHIL, PRAYAR PO, ALAPPUZHA-690 547.
- 48 KRISHNANKUTTY NAIR S.
S/O.LATE SIVASANKARA PILLAI, PERSONAL NO.C-360410,SUBEDAR(RETIRED), ASSAM RIFLES, RESIDING AT DEVI VILAS, EREZHA NORTH, CHETTIKULANGARA PO, ALLAPPEY-690 106.
- 49 JOYKUTTY, S/O.LATE IDICULA, PERSONAL NO.C-360420,WARRANT OFFICER(RETIRED), ASSAM RIFLES, RESIDING AT MATHUKUNNATHU PO, ANCHAL, KOLLAM-691 306.
- 50 T.K.KARTHIKEYAN, S/O.LATE P.KARUNAKARAN, PERSONAL NO.C-360427,NAIB SUBEDAR (RETIRED), ASSAM RIFLES, RESIDING AT CHIRAPPARAMPIL HOUSE, MITRAKIRI, ALAPPUZHA-689 598.



- 51 CHANDY K.M., S/O.LATE K.C.MATHAI, PERSONAL NO.C-360428,WARRANT OFFICER(RETIRED), ASSAM RIFLES, RESIDING AT KADAVIL HERMAN VILLA, VALANJAVATTOM PO, THIRUVALLA-689 104.
- 52 SIVAN PILLAI, S/O.LATE N.K.NARAYANA PILLAI, PERSONAL NO.C-360453,WARRANT OFFICER(RETIRED), ASSAM RIFLES, RESIDING AT MINI BHAVAN, PO MENTHUKA, KULANADA, PATHANAMTHITTA-689 503.
- 53 SUDHARMA P., W/O.LATE S.SASIDHARAN, PERSONAL NO.C-36045, WARRANT OFFICER(RETIRED), ASSAM RIFLES, RESIDING AT SAJITHA BHAVANAM, HOSPITAL JUNCTION, KUNDARA PO, KOLLAM-691 501.
- 54 OUSEPH K.S., S/O.LATE X.SAVIOUR, PERSONAL NO.C-360463,WARRANT OFFICER(RETIRED), ASSAM RIFLES, RESIDING AT KANYAMPARAMBIL HOUSE, ARKARA PO., KOTTAYAM-686 546.
- 55 MURALEEDHARAN A., S/O.LATE ACHUTHAN M.K., PERSONAL NO.C-360477, WARRANT OFFICER(RETIRED), ASSAM RIFLES, RESIDING AT KUZHILATHU HOUSE, ELANTHUR PO, PATHANAMTHITTA-689 643.
- 56 T.G.RAJAN PILLAI., S/O.LATE GOPALA PILLAI, PERSONAL NO.C-360487,WARRANT OFFICER(RETIRED), ASSAM RIFLES, RESIDING AT SURABHI HOUSE, KAVITHA NORTH,CHETTIKULANGARA PO, PIN-690 106.
- 57 MAHESWARA KUMAR K.S., S/O.LATE G.SREEDHARAN NAIR, PERSONAL NO.C-360493, SUBEDAR MAJOR, SURABHI, KUTTAMPEROOR PO,ALLEPPEY-689 623.
- 58 P.D.YOHANNAN, S/O.LATE M.DANIEL, PERSONAL NO.C-360518,WARRANT OFFICER(RETIRED), ASSAM RIFLES, RESIDING AT PALAMUTTATHU HOUSE, KADAMPANAD, THUVAYOOR PO, PATHANAMTHITTA-691 552.
- 59 O.JOY, S/O.LATE C.UNNUNNI, PERSONAL NO.C-360530, SUDEBDAR (RETIRED), ASSAM RIFLES, RESIDING AT MUKKATHU SHANU COTTAGE, KUDAMANAD PO, ALLEPPEY-689 512.



- 60 P.M.JOHN, S/O.LATE M.J.MARKOSE, PERSONAL NO.C-360535,WARRANT OFFICER(RETIRED), ASSAM RIFLES, RESIDING AT UDAYAGIRI, TVRA-23, KUDAPPANAKUNNU, THIRUVANANTHAPURAM-695 043.
- 61 K.P.BAHULEYAN, S/O.LATE P.K.PADMANABHAN, PERSONAL NO.C-360543,SUBEDAR MAJOR (RETIRED), ASSAM RIFLES, RESIDING AT NAVEEN BHAVANAM, CHUNAKKARA PO,MAVELIKKARA, ALAPPUZHA-690 534.
- 62 T.G.S PILLAI, S/O.LATE P.N.GOVINDA PILLAI, PERSONAL NO.C-360543,NAIB SUBEDAR (RETIRED), ASSAM RIFLES, RESIDING AT ARUN NIVAS, VELLAYIL PO, PATHANAMTHITTA-689 613.
- 63 O.J.LUKOSE, S/O.LATE YOHANNAN, PERSONAL NO.C-360551,WARRANT OFFICER(RETIRED), ASSAM RIFLES, RESIDING AT MULAMKOOTTATHIL HOUSE, KUNNATHUMKARA PO, EAST OTHERA-689 546.
- 64 K.S.SURENDRAN, S/O.LATE K.K.SREEDHARAN, PERSONAL NO.C-360566,WARRANT OFFICER(RETIRED), ASSAM RIFLES, RESIDING AT MADATHAMPARAMBIL HOUSE, PO CHUNKATHARA, THIRUVALLA-689 103.
- 65 A.M.MATHEW, S/O.LATE A.P.MATHAI, PERSONAL NO.C-360579,WARRANT OFFICER(RETIRED), ASSAM RIFLES, RESIDING AT ANJAKALAYIL HOUSE, VELLAYIL PO,THEODICCAL, PATHANAMTHITTA-689 613.
- 66 K.P.THOMAS, S/O.LATE K.T.UMMAN, PERSONAL NO.C-360581,WARRANT OFFICER(RETIRED), ASSAM RIFLES, RESIDING AT KIZHAKKEKALAYIL HOUSE, EDEKULAM PO,RANNY-689 672.
- 67 D.PAPPACHAN, S/O.LATE K.E.DANIEL , PERSONAL NO:C-360590 ,WARRANT OFFICER(RETIRED), ASSAM RIFLES,RESIDING AT KUNCHACHADATHU HOUSE,NEDUMONKAVU P.O., (VIA) KUDALI,PATHANAMTHITTA - 689 693.
- 68 RAVEENDRADAS D., S/O.LATE DAMODARAN PANICKER, PERSONAL NO:C-360592 ,SUBEDAR MAJOR(RETIRED), ASSAM RIFLES, RESIDING AT PEZHUMKATTIL HOUSE,



NEDUMKUNNAM P.O., KOTTAYAM - 686 542.

- 69 G.AJAYAN, S/O.LATE V.K.GOVINDAN , PERSONAL NO:C-360613 ,WARRANT OFFICER(RETIRED), ASSAM RIFLES,RESIDING AT CHEMPAKASSERIL HOUSE,KUMARAPURAM P.O., HARIPPADU,ALAPPUZHA - 690 548.
- 70 SUKUMARAN NAIR M.N., S/O.LATE NARAYANAN NAIR, PERSONAL NO:C-360617 ,WARRANT OFFICER(RETIRED), ASSAM RIFLES, RESIDING AT THEKKETHAMARASSERIL HOUSE, ANGADI P.O., RANNI, PATHANAMTHITTA - 689 674.
- 71 JNANAPRAKASAN K., S/O.LATE KUNJUPILLAI,JYOYHIS HOUSE , PERSONAL NO:C-360629 ,NAIB SUBEDAR(RETIRED), ASSAM RIFLES,RESIDING AT CHINGOLI P.O.,KARTHIKAPPALLY, ALAPPUZHA - 690 532.
- 72 D.VARGHESE, S/O.LATE DANIEL K.M. , PERSONAL NO:C-360631 ,NAIB SUBEDAR(RETIRED), ASSAM RIFLES,RESIDING AT PUTHIYAVEETIL HOUSE,KADALIKAMON P.O., PATHANAPURAM,KOLLAM - 689 698.
- 73 ABDUL AZEEZ, S/O.LATE IBRAHIMKUTTY , PERSONAL NO:C-360632 ,WARRANT OFFICER(RETIRED), ASSAM RIFLES,RESIDING AT CHENNALIL THARAYIL,EVOOR SOUTH, KEERIKKADU P.O.,ALAPPUZHA - 690 508.
- 74 V.K.MOHANAN PILLAI, S/O.LATE KUNJU PILLAI K., PERSONAL NO:C ,SUBEDAR MAJOR(RETIRED), ASSAM RIFLES, RESIDING AT MOHANA SADANAM,CHERUMUKHAM, NOORANADU P.O., AYIRANIKKUDI, ALAPPUZHA - 690 558.
- 75 RAJAN BABU K., S/O.LATE K.M.K.PANICLER , PERSONAL NO:C-360732 ,SUBEDAR MAJOR(RETIRED), ASSAM RIFLES,RESIDING AT VALLABHASSERIL VADAKKELIOOTTU,ALAMTHURUTHIL P.O., VIA THIRUVALLA - 689 113.
- 76 MOHANAN V.S., S/O.LATE SUKUMARAN K.V., PERSONAL NO:C-360733,SUBEDAR MAJOR(RETIRED), ASSAM RIFLES,RESIDING AT THAREVELIYIL, SOUTH ARYAD,AVALOOKKUNNU P.O., ALAPPUZHA - 680 006.
- 77 G.K.KURUPP, S/O.LATE GOPALAKURUPP, PERSONAL NO:C-360737



, SUBEDAR MAJOR (RETIRED), ASSAM RIFLES, RESIDING AT AROOP ALAYAM, ERAVIKARA P.O., MAVELIKKARA - 690 108.

- 78 ANURAJAN K., S/O.LATE M.K.PANICKER , PERSONAL NO:C-360740, SUBEDAR MAJOR (RETIRED), ASSAM RIFLES, RESIDING AT POOVANAM, PUTHIYAVILA NORTH, PATTOLI MARKET P.O., ALAPPUZHA - 690 531.
- 79 PREMACHANDRAN NAIR K.M., S/O.LATE MADHAVAN PILLAI , PERSONAL NO:C-360858, WARRANT OFFICER (RETIRED), ASSAM RIFLES, RESIDING AT VIPANCHIKA HOUSE, CHELEKKOMPU P.O., KOTTAYAM - 686 540.
- 80 SATHYAN S.G., S/O.LATE GOPINATHAN , PERSONAL NO:C-360866, WARRANT OFFICER (RETIRED), ASSAM RIFLES, RESIDING AT SARASWATHY BHAVANAM, P.O.THAMALACKAL, ALAPPUZHA - 690 548.
- 81 SHYLA FRANCIS, W/O.LATE FRANCIS C.D., PERSONAL NO:C-360831, WARRANT OFFICER (RETIRED), ASSAM RIFLES, RESIDING AT KULANGARAKEROTTU HOUSE, PUTHUPALLIL P.O., KOTTAYAM - 686 011.
- 82 SUDHA S.NAIR, W/O.LATE SASIKUMARAN NAIR P.M., PERSONAL NO:C-360983, WARRANT OFFICER (RETIRED), ASSAM RIFLES, RESIDING AT REVATHY HOUSE, ITTITHANAM P.O., CHANGANASSERI - 686 535.
- 83 N.VISHNU POTTI, S/O.LATE NARAYANAN POTTI , PERSONAL NO:C-360309, WARRANT OFFICER (RETIRED), ASSAM RIFLES, RESIDING AT SREERANGAM, KACHANI, KARAKULAM P.O., THIRUVANANTHAPURAM - 695 564.
- 84 N.GOPI, S/O.LATE NARAYANAN, PERSONAL NO:C-360542, WARRANT OFFICER (RETIRED), ASSAM RIFLES, RESIDING AT VILAYIL HOUSE, MUTHIYANKAVU, MANNORKONAM P.O., THIRUVANANTHAPURAM DISTRICT - 695 541.
- 85 S.PHILIP, S/O.LATE P.SAMUEL, PERSONAL NO:C-360729, SUBEDAR MAJOR (RETIRED), ASSAM RIFLES, RESIDING AT K.P.COTTAGE, VALLIKUNNAM P.O., ALAPPUZHA - 690 501.
- 86 SATHEESAN T.S., S/O.LATE P.P.SUKUMARAN, PERSONAL NO:C-



- 360640, NAIB SUBEDAR (RETIRED), ASSAM RIFLES, RESIDING AT SOUGANDHIKAM, PERUNTHURUTHY P.O., THIRUVALLA, PATHANAMTHITTA - 689 107.
- 87 S.VARGHESE, S/O.LATE E.SAMUEL, PERSONAL NO:C-360645, NAIB SUBEDAR (RETIRED), ASSAM RIFLES, RESIDING AT MANDAPATHIL PUTHEN VEEDU, PALLIMANGALAM P.O., MAVELIKKARA, ALAPPUZHA - 690 107.
- 88 N.VILASINI, W/O.LATE ACHUTHAN, PERSONAL NO:C-360043, WARRANT OFFICER (RETIRED), ASSAM RIFLES, RESIDING AT ACHUTHA VILASOM, PARAKKARA P.O., VIA THATTA, PATHANAMTHITTA - 691 525.
- 89 SUJAKUTY, W/O.LATE C.M.KURIACHAN, PERSONAL NO:C-360803, WARRANT OFFICER (RETIRED), ASSAM RIFLES, RESIDING AT CHAKALAYIL HOUSE, PARIYARAM P O, KOTTAYAM-686021.
- 90 P.S.BALAKRISHNA PILLAI, S/O.LATE K.G. SREEDHARAN NAIR, PERSONAL NO:C 360911, WARRANT OFFICER (RETIRED) ASSAM RIFLES, RESIDING AT PANAYAMCHATHAPUZHA HOUSE, KOTTAYAM P O, PATHANAMTHITTA DISTRICT-689656.
- 91 SIVARAMA PILLAI P K., S/O.LATE KUNJU PILLAI, PERSONAL NO:N-360467, SUBERDAR/CLERK (RETIRED), ASSAM RIFLES, RESIDING AT PRASOONAM, CHATHANNOOR, THAZHAM, KOLLAM.
- 92 RAMAKRISHNAN NAIR K K., PERSONAL NO:C-360806, NAIB SUBEDAR (RETIRED), ASSAM RIFLES, RESIDING AT SURABHI HOUSE, CHENAPPADY P O, KANJIRAPPALLY, KOTTAYAM DISTRICT.
- 93 V R SREEDHARAN, S/O.LATE RAMAN, PERSONAL NO:C-360254, WARRANT OFFICER (RETIRED), ASSAM RIFLES, RESIDING AT SOUMYA BHAVAN, PUTHUMALA P O, VIA PARAKODE, PATHANAMTHITTA DISTRICT.
- 94 P.C.RAJU, S/O.LATE M.CHACKO, PERSONAL NO:C 360731, WARRANT OFFICER (RETIRED), ASSAM FILES, RESIDING AT PANNIKUZHYIL HOUSE, OONNUKAL P O, (VIA) OMALLUR, PATHANAMTHITTA-689647.
- 95 P.A.KURIAKOSE, S/O.LATE K ANDROOSE, PERSONAL NO:C 360830, WARRANT OFFICER (RETIRED), ASSAM RIFLES, RESIDING



AT PADINJARE MURIYIL, THOTTAKKAD P O, KOTTAYAM-686539.

BY ADV REKHA VASUDEVAN

RESPONDENTS :

- 1 UNION OF INDIA,
REPRESENTED BY THE SECRETARY, MINISTRY OF HOME AFFAIRS,
NORTH BLOCK, NEW DELHI-110001
- 2 THE DIRECTOR GENERAL
DIRECTORATE OF ASSAM RIFLES, LAITKOR P O, HAPPY VALLEY,
EAST KHASI HILLS, MEGHALAYA, SHILLONG-793007.
- 3 THE BRIGADIER PERSONNEL
DIRECTORATE GENERAL OF ASSAM RIFLES, LAITKOR, P O HAPPY
VALLEY, EAST HILLS, MEGHALAYA, SHILLONG-793007.
- 4 THE COLONEL RECORDS
OLD DIRECTORATE GENERAL OF ASSAM RIFLES COMPLEX, ASSAM
RIFLES P O, SHILLONG-793011.
- 5 THE ACCOUNTS OFFICER
PAY AND ACCOUNTS OFFICE, ASSAM RIFLES, ASSAM RIFLES P
O, SHILLONG-793011.
- 6 ADDL.R6 THE SECRETARY TO GOVERNMENT
UNION OF INDIA, MINISTRY OF FINANCE, NORTH BLOCK, NEW
DELHI-110001. (ADDL.R6 IS IMPEADED AS PER ORDER DATED
15/02/2019 IN IA.NO.01/2019)

BY ADVS.
SMT.O.M.SHALINA, CGC
SRI.T.V.VINU, CGC
N.S.DAYA SINDHU SHREE HARI

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
30.08.2024, THE COURT ON 21.10.2024 DELIVERED THE FOLLOWING:



JUDGMENT

The petitioners, who were employed under the respondents – Assam Rifles – in various ranks have filed the captioned writ petition challenging Exts.P9 to P11 orders issued by the respondents.

2. The short facts necessary for the disposal of this writ petition are as follows:

The petitioners point out that they were employed with the Assam Rifles under the Government of India, Ministry of Home Affairs and the Department of Assam Rifles. They have superannuated also from the service on different dates and residing permanently within the State of Kerala at different places. The petitioners point out that the Assam Rifles is similar to other Central Police Organisations (hereinafter referred to as 'CPO') like BSF, CRPF, CISF etc. and the job responsibilities, duties etc. were equal. They point out that there was anomaly as regards the scales of pay/rank structure vis-a-vis the different CPOs and the Assam Rifles. This was sought to be rectified by filing WP(C) No.277 of 2010 before the High Court of Gauhati (Shillong Bench). The said writ petition stood disposed of



by Ext.P3 judgment dated 23.08.2012 with the following directions:

“14. In the result, this writ petition stands disposed of with the direction to the respondent No.2, the Director General of Assam Rifles to take up the matter again with the respondent No.1, i.e. the Secretary to the Govt. of India, Ministry of Home Affairs to bring parity in respect of rank structure and pay of the Assam Rifles clerical cadre at par with other CPOs by introducing rank of Assistant Sub-Inspector (Warrant Officer) at the entry grade w.e.f. 1.1.1986 in the scale of pay of Rs.1320-2040 (revised Rs.4000- 6000) w.e.f. 1.1.1996 (or any other date as the authority deem it fit and proper with all consequential service benefits in the light of the Government of India, Ministry of Finance resolution dated 20.9.1997 communicated through MH. letter bearing No.2701-02/1/97 PC Cell/Pef-1 dated 10.10.1997. The whole exercise would be completed within a period of 6 (six) months from the date of receipt of a certified copy of this judgment and order.”

The above judgment was challenged by respondents by way of an appeal before the Division Bench of the High Court of Meghalaya. Ext.P4 is the judgment rendered and the operative portion of the said judgment is as under:

“In order to strike a balance between the parties we are of the considered view that para 14 of the judgment and order of the learned Single Judge dated 23.08.2012 passed in WP(C) No.277 (SH) 2010 is required to be modified slightly only to the extent of the date for giving financial benefits. Accordingly, para 14 of the



judgment and order dated 23.08.2012 is modified only to the extent that the arrear financial benefits to be given to the petitioners in pursuance the judgment and order of this Court dated 23.08.2012 shall be w.e.f. the date of filing the writ petition i.e. from January, 2010. However, it is made clear that there should be notional financial benefits.”

The judgment at Ext.P3 was the subject matter of challenge in Civil Appeal No.13445 of 2015 before the Apex Court. By Ext.P5 judgment, the Apex Court disposed of the appeal as under:

“After hearing learned counsel for the parties for a long time, we are satisfied that the impugned judgment need not be interfered with either at the instance of the appellants or the Union of India/Respondents. It would be suffice for this Court to restore the judgment and order dated 23.08.2012 passed by the learned Single Judge of the High Court in Writ Petition (C) No.277(SH) of 2010 except modifying the operative portion of the judgment and order at paragraph 14 by deleting the words "or any other date as the authority deem it fit and proper".

Since we have restored the judgment and order of the learned Single Judge with the abovesaid modification, regard being had to the time granted to the Union of India to comply with the Order is long back over, we direct the Union of India/respondents to comply with the Order of the learned Single Judge within four months.”

Thus, the dispute raised before the court as above, was directed to be considered in the manner directed in Ext.P3 judgment of the



learned Single Judge of the Gauhati High Court as modified in Ext.P5 judgment of the Apex Court by deleting the words “or any other date as the authority deem it fit and proper” in paragraph 14 of Ext.P3 judgment.

3. The petitioners point out that when steps were taken for implementation of the directions issued pursuant to Ext.P3 as modified by Exts.P5; Ext.P6 was issued by the Ministry of Home Affairs. In Ext.P6 dated 19.02.2016, Ministry of Home affairs, noticed as under:

“3. As regard, second part of the judgement that is promotion avenues upto the rank of Second-in-Command (2IC) at par with the counterpart in different CAPFs. Assam Rifles has intimated that it is not applicable as parity in the upper line of rank structure is only upto Subedar Major in Assam Rifles. Hence highest rank permissible to clerk will be Subedar Major.

4. As the issue is promotion avenues upto the rank of 2IC in clerical cadre in Assam Rifles. Assam Rifles is requested to submit this issue in a separate file with adequate justification whether promotional avenues of clerical cadre in Assam Rifles is to be extended upto 21C rank or restricted upto Subedar Major as implementation the one part of the judgement and order of High Court leaving other parts is contradictory.”

Therefore, it was noticed in Ext.P6 by the Ministry of Home Affairs



that the judgment at Ext.P3 would have application up to the level of Subedar Major in the Assam Rifles and it is doubtful whether the same can be extended upto the rank of Second in-Command (21C).

4. This is followed with Ext.P9 again issued by the Ministry of Home Affairs dated 22.06.2016, wherein it is opined as under:

"3. The matter has been re-examined and it has been observed that extending promotional avenues to the Naib Subedar upto 21C level was not a part of judgment dated 23.08.2012 of Hon'ble High Court of Meghalaya and this was not proposed by MHA either. While MHA had recommended the case for implementation of the High Court order dated 23.08.2012, this stipulation "promotion avenues upto the rank of Second-in-Command (2IC) at par with their counterparts in different CAPFs under the Ministry of Home Affairs" added by MoF. 4. MHA is in the process of taking up the case with MoF for seeking clarification/revision in their decision. Meanwhile Assam Rifles may implement the decision conveyed vide MHA U.O. dated 21.06.2016 only to the extent of implementation the judgment and order dated 23.08.2012 of Hon'ble High Court of Meghalaya, Shillong Bench in WPC(SH) 277 of 2010 upheld by the Supreme Court's order dated 17.11.2015 both in case of Petitioners as well as similarly placed employees."

The same view was adopted by the Ministry of Finance in the Department of Expenditure by Ext.P10 dated 06.07.2016, followed with Ext.P11 issued by the Ministry of Home Affairs finding that the



judgment at Ext.P3 as modified in Ext.P5 needs to be implemented in the letter and spirit and whatever does not form part thereof, have no relevance.

5. It is in the above circumstances that the petitioners have filed the captioned writ petition, challenging Exts.P9 to P11 issued as above.

6. A detailed counter-affidavit has been filed by respondents 1 to 5, to which the petitioners have also filed a reply affidavit.

7. I have heard Smt.Rekha Vasudevan, the learned counsel for the petitioners and the Central Government Counsel representing the respondents herein.

8. The dispute in this writ petition is as regards the method by which Ext.P3 judgment as modified in Ext.P5 judgment of the Apex Court is to be implemented. The petitioners point out that in Ext.P3 judgment, it was directed that the 2nd respondent herein - the Director General of Assam Rifles – is to take up the matter with the 1st respondent to bring parity in respect of rank structure and pay of the Assam Rifles clerical cadre at par with CPOs. They further point



out that, however, while implementing the directions by the impugned orders, the said benefit is not extended upto Second-in-Command (21C). The respondents take the stand that Ext.P3 judgment was only as regards the claim of "clerical cadre" and the directions contained therein have to be limited only to such clerical cadre and cannot be extended to the level to which the petitioners' claim.

9. It is pointed out by the learned Central Government Counsel that the vires of the impugned orders especially Exts.P9 as well as Ext.P6 which noticed the differentiating factor for the first time, was the subject matter of challenge before the High Court of Meghalaya at Shillong in W.P.(C) No.128 of 2017. The afore writ petition was disposed of on 13.02.2022, by finding that the very same challenge raised is only to be repelled. Therefore, the learned Central Government Counsel submits that the present writ petition cannot be entertained under any circumstances.

10. I have considered the rival submissions raised by the respective counsel and the connected records.



11. It is seen that in W.P(C) No.128 of 2017 filed as above before the High Court of Meghalaya at Shillong, the petitioners therein had challenged Ext.P9 as well as Ext.P6 apart from challenging another reply obtained under the provisions of the Right to Information Act. The court considered the very same contentions and decided the issue as under:

“21. The moot issue to be decided is whether the petitioner who is serving as Subedar (Clerk) in the Assam Rifles can be considered for promotion through the normal channel upto the rank of Second-in-Command.

22. The petitioner has heavily relied upon the judgment and order dated 23.08.2012 passed by this Court in WP(C) No. 277 (SH) of 2010, which judgment was reaffirmed by the Hon’ble Supreme Court vide order dated 17.11.2015 in SLP (C) No.29908 of 2013, wherein the authority concerned was directed to bring parity in respect of rank structure and pay of the Assam Rifles clerical cadre at par with other CPOs by introducing rank of Assistant Sub-Inspector (Warrant Officer) at the entry grade. Vide relevant Sanction order No. A/Pers/II-04/Clk/2016/774 dated 28.06.2016, the competent authority has implemented the said order and consequently, the post of Warrant Officer at the entry grade was created.

23. The claim of the petitioner is that he is legally entitled to benefit of promotional avenues upto the rank of Second-in-Command(2IC) at par with his counterpart in different CAPFs/CPMF. However, vide communication dated 19.02.2016 issued by the Ministry of Home



Affairs, the Assam Rifles has intimated that promotion avenues upto the rank of Second-in-Command (2IC) at par with the other counterpart in CAPF is not applicable as parity in the upper line of rank structure is only upto Subedar-Major in Assam Rifles.

24. At this juncture, it may be noted that prior to 10.10.1997, there was an apparent disparity in the rank and pay structure in Assam Rifles vis-a-vis the other CAPF/CPOs like the Central Reserve Police Force, the Border Security Force and the Indo-Tibetan Border Police Force etc. This disparity was reconciled by way of a Presidential Order dated 10.10.1997 whereby rationalisation of rank structure and pay scale of non-gazetted cadre of CPOs was directed. To this extent, the rank and pay structure in the Assam Rifle clerical cadre was brought to parity with other CPO/CAPF/CPMF with the rank of Warrant Officer (Assistant Sub-Inspector) at the entry grade.

25. However, as submitted by the learned CGC, over and above this, the Assam Rifles as well as the other CPOs including the CRPF are governed by their respective Recruitment Rules indicating the pattern and procedure of promotion in the ranks, which differs from each other. A comparative table of this has been set out by the respondents at para 53 (c) of the affidavit-in-opposition which is reproduced below as:

S/No	CAPFs	Assam Rifles
(a)	Constable	Rifleman
(b)	Head Constable	Havildar
(c)	Asst Sub Inspector	Warrant Officer
(d)	Sub Inspector	Naid Subedar
(e)	Inspector	Subedar



(f)	Assistant Commandant i) 50% direct entry ii) 17.5% LDCE iii) 32.5% Local Promotion	Capt/Asst Comdt i) 80% deputation from Indian Army ii) 20% from LDCE
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26. Again, it is to be noted that the learned CGC has submitted that in the Assam Rifles, there are different sets of Recruitment Rules for personnel who are under Group B & C which is the clerical cadre and those under Group A which is the Officers cadre as indicated at para 16 above. This being so, admittedly, the petitioner falls under Group B & C and the post of Second-in-Command (2IC) is found in Group A. Therefore, there is no linear avenue of promotion from the rank of Havildar (Clk) in Group B & C to the post of Commandant in Group A. This does not mean that the promotional avenue has been stopped or blocked altogether since personnel in the clerical cadre are eligible to be promoted and to come over to the ranks found in Group A, albeit, after successfully competing or being found suitable within the 20% quota for Limited Departmental Competitive Examination (LDCE).

27. Since it has been established that there exist two categories of cadre in the Assam Rifles, that is, Officers cadre and Clerical cadre, the relevant order of this Court in WP(C) No. 277(SH) of 2010 dated 23.08.2012, particularly at para 14 clearly indicates that parity of rank and pay structure of the Assam Rifle is to be affected only in the 'Clerical cadre' and there is no mention of 'Officers cadre' in the said order.

28. This being the case, the petitioner may have been or may be entitled to a legitimate expectation for promotion in the ranks, but not in the procedure as demanded. He is however eligible to be



granted promotion under the 20% LDCE quota.

29. This Court has also considered all the authorities cited by the parties. In the case of Dineshan K.K. (supra) the Hon'ble Supreme Court has dealt with the issue of rationalisation of rank structure of non-gazetted personnel of paramilitary forces vis-a-vis the rank and post of Havildar (Radio Mechanic) in Assam Rifles and has affirmed the High Court's order of parity in rank and pay structure of the same. This decision was relied upon and followed in the said WP(C) No.277 (SH) of 2010 and the same cannot be faulted herein. It may be reiterated that this primarily relates to the Clerical cadre and not the Officer cadre. The other decisions cited which are not found relevant to the case of the parties herein are not necessarily discussed here."

Thus, the challenge raised at the behest of the similarly placed persons has been repelled by the High Court of Meghalaya.

12. I have perused the judgment of the High Court of Meghalaya relied on by the learned Central Government Counsel. It is seen that the very same issue has been decided, after considering the rival claims with specific reference to Exts.P3 and P5 judgments of the Gauhati High Court and the Apex Court, respectively. I find no reason to take a different view with respect to the claims made by the petitioners in the captioned writ petition. The petitioners are not entitled for the reliefs claimed for in this writ petition.



Resultantly, the writ petition would stand dismissed.

Sd/-

HARISANKAR V. MENON, JUDGE

In

APPENDIX OF WP(C) 20037/2018

PETITIONERS' EXHIBITS:

- EXHIBIT P1 THE TRUE COPY OF THE NOTIFICATION NO. GSR.1105(E) DATED 22.09.1986 ISSUED BY THE SECRETARY, MINISTRY OF FINANCE, GOVERNMENT OF INDIA
- EXHIBIT P2 THE TRUE COPY OF THE ORDER NO. 27012/1/97 PC CELL PE .1 DATED 10.01.1997 ISSUED BY THE 1ST RESPONDENT
- EXHIBIT P3 THE TRUE COPY OF THE JUDGMENT DATED 23.08.2012 IN WPC.NO. 277(SH) OF 2010 OF THE HON'BLE HIGH COURT OF GAUHATI (SHILLONG BENCH)
- EXHIBIT P4 THE TRUE COPY OF THE JUDGMENT DATED 30.04.2013 IN WA.NO. (SH) 40/2012 OF THE HON'BLE HIGH COURT OF MEGHALAYA
- EXHIBIT P5 THE TRUE COPY OF THE JUDGMENT DATED 17.11.2015 IN CIVIL APPEAL NO. 13445/2015 OF THE HON'BLE SUPREME COURT OF INDIA
- EXHIBIT P6 THE TRUE COPY OF THE ORDER MHA UO NO. 27013/28/2013/PFIV DATED 19.02.2016 ISSUED BY THE 1ST RESPONDENT
- EXHIBIT P7 THE TRUE COPY OF THE MOF (EXP) U.O NO. 19(2)/E/III.B/2016 DATED 20.06.2016 ISSUED BY THE MINISTRY OF FINANCE, GOVERNMENT OF INDIA
- EXHIBIT P8 THE TRUE COPY OF THE ORDER MHA UO NO. 27013/2/2016 P.F.IV DATED 21.06.2016 ISSUED BY THE 1ST RESPONDENT
- EXHIBIT P9 THE TRUE COPY OF THE ORDER MHA UO .NO. 27013/2/2016 PF. IV DATED 22.06.2016 ISSUED BY THE 1ST RESPONDENT



- EXHIBIT P10 THE TRUE COPY OF THE ORDER MOF (EXP) U.O. NO. 192(2) /E.III.B/2016 06.07.2016 ISSUED BY THE MINISTRY OF FINANCE, GOVERNMENT OF INDIA
- EXHIBIT P11 THE TRUE COPY OF THE ORDER MHA UO NO. 27013/2/2016 PF. IV DATED 13.07.2016 ISSUED BY THE 1ST RESPONDENT
- EXHIBIT P12 THE TRUE COPY OF THE REPRESENTATION DATED 11.11.2017 SUBMITTED BY THE PETITIONERS BEFORE THE 2ND RESPONDENT
- EXHIBIT P13 THE TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE 1ST PETITIONER BEFORE THE 2ND RESPONDENT DATED 10.02.2018
- EXHIBIT P14 THE TRUE COPY OF THE STATEMENT OF FIXATION SHOWING THE PARITY IN PAY CALCULATED BY THE 1ST PETITIONER WITH HIS JUNIORS