

**IN THE ARMED FORCES TRIBUNAL, REGIONAL BENCH,  
GUWAHATI**

**T.A.- 01 of 2016**

(Aoo W.P.(C ) 499/2009)

**PRESENT**

**HON`BLE MR. JUSTICE B.P.KATAKEY, MEMBER (J)**

**HON`BLE AIR MARSHAL J.N.BURMA, MEMBER (A)**

Sri Rungthang Anal, Ex-No. 2000055,  
Sub/GD, 20<sup>th</sup> Assam Rifles,  
Resident of Munuthong Lamkhai Leikai,  
North AOC Imphal, P.O. & P.S. Imphal,  
Imphal East District, Manipur.

..... **Applicant.**

By legal practitioners for  
Applicant.

**Mr. K.Gogoi,**  
**Amicus Curiae.**

**-VERSUS-**

1. Union of India,  
Represented by the Secretary,  
Govt. of India, Ministry of Home Affairs,  
North Block, New Delhi – 110001.
2. Director General, Assam Rifles,  
Record Branch, Shillong.

..... **Respondents..**

**Mr. Nilutpal Baruah, CGSC**  
Legal Practitioner  
for the Respondents.

Date of Hearing : 16.06.2016

Date of Judgment & Order : 16.06.2016

**JUDGMENT & ORDER (ORAL)**

*(By Hon`ble B.P.Katakey,J.)*

1. Heard Mr. K.Gogoi, learned Counsel, who was appointed as Amicus Curiae, and Mr. Nilutpal Baruah, learned Central Govt. Standing Counsel, appearing for the respondents.
2. The applicant has filed W.P.(C ) No. 499/2009 before the then Imphal Bench of the Hon`ble Gauhati High Court, which on being t ransferred to this Tribunal has been registered as T.A. No. 01/2016, claiming pensionery benefit in the pay scale attached to the post of Subedar w.e.f. 10.10.1997 and also the arrears from 01.01.96 to 10.10.97, based on the order dated 10.10.97 issued by the Govt. of India, Ministry of Home Affairs. It has been contended by the applicant in Para 6 of the T.A. that though he is entitled to the fixation of pension in the pay scale of Rs. 6500-200-10500, i.e. the pay scale attached to the post of Inspector/Subedar, pursuant to the aforesaid order dated 10.10.97, his pension, however, has been fixed in a lower pay scale, i.e. 5500-175-9000, which is the pay scale of Nb/Subedar. In Para 6 of the T.A it has also been contended by the applicant that other similarly placed persons have been granted the benefit of the said pay scale attached to the post of Inspector/ACIO-I/Subedar, which has, however, been denied to him. The said contentions, have been denied by the respondents in their counter affidavit filed, more particularly in Para 10 thereof.
3. Neither the applicant nor the respondents could produce any materials before this Tribunal in support of their respective pleadings relating to grant of similar benefit to other similarly placed persons.
4. That being the position, and since no definite finding could be recorded by the Tribunal in the absence of the relevant record, we dispose of the T.A. directing the respondent No. 2, Director General of Assam Rifles, Record Branch, Shillong, to scrutinize the claim of the applicant, more particularly, his claim that similarly placed persons have been given the aforesaid benefit, based on the records and to pass a speaking order.

Needless to say that if it is found that other similarly placed persons have been given the benefit, the applicant would also be entitled to similar benefit. The said exercise is directed to be completed within a period of 2 (two) months from the date of receipt of a copy of this order. The order that may be passed shall immediately be communicated to the applicant.

5. The T.A. is accordingly disposed of.
6. No costs.
7. Order dasti.

**MEMBER (A)**

**MEMBER (J)**

Nath.