

BEFORE
HON'BLE THE CHIEF JUSTICE MR. AJIT SINGH
HON'BLE MR. JUSTICE MANOJIT BHUYAN

21.12.2017

(Ajit Singh, C.J.)

Mr.SC Keyal, learned Assistant Solicitor General of India for the appellant.

Mr.U Das, learned counsel for the Respondent.

This intra court appeal is directed against the order dated 19.1.2015 passed by the learned Single Judge of this High Court, whereby he has allowed respondent's WP(C) No.2783/2004.

It is to be noted that by the same impugned order, the learned Single Judge had also allowed WP(C) No.1178/2011 and WP(C) No.6185/2005 filed by the similarly situated respondents therein.

The respondent was initially enrolled in Assam Rifles as Rifleman (GD) on 19.11.1999. While serving with 24 Assam Rifles, he had incurred 4 red ink entries during his total service of 9 years. He was, therefore, identified to be an incorrigible habitual offender. Also despite repeated counseling, he did not show improvement in his conduct. The appellant, therefore, discharged him from service with effect from 31.1.2004 under Section 4(a) of Assam Rifle Act, 1941. Aggrieved, the respondent filed WP(C) No.2783/2004, which the learned Single Judge has allowed by the impugned order.

The impugned order passed by the learned Single Judge has already been set aside by a Division Bench of this Court vide judgment dated 22.8.2017 passed in WA Nos.285 and 399, both of 2016 filed by the appellant against the similarly situated respondents therein.

The learned counsel for the respondent has fairly stated that the case of respondent is also squarely covered by the judgment dated 22.8.2016. We, therefore, for the reasons stated in the judgment dated 22.8.2016 quash the impugned order of the learned Single Judge in the present appeal also.

The appeal is allowed but with no cost.

JUDGE

CHIEF JUSTICE

skd