

GAHC010092892022



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THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/3247/2022

EX NO. 5007435A RIFLEMAN (GENERAL DUTY) M. LAWRENCE
S/O- LATE M. NINGKHAN, PRESENTLY RESIDING AT HOUSE NO.- 26,
BARUAH LANE, NEAR AGP BUILDING, GUWAHATI, ASSAM, DISCHARGED
FROM SERVICE FROM 24TH ASSAM RIFLES, C/O 99 APO, PIN- 932024.

VERSUS

UNION OF INDIA AND 3 ORS.
REPRESENTED BY THE SECRETARY TO THE GOVT. OF INDIA, MINISTRY
OF HOME AFFAIRS, NEW DELHI- 110001.

2:DIRECTOR GENERAL OF ASSAM RIFLES
SHILLONG
MEGHALAYA-11.

3:THE DEPUTY INSPECTOR GENERAL ASSAM RIFLES

HEAD QUARTER 22 SECTOR
ASSAM RIFLES
C/O- 99 APO.

4:THE COMMANDANT 24TH ASSAM RIFLES
C/O 99 APO
PIN- 932024

Advocate for the Petitioner : MR V KUMAR, MR B HAZARIKA,MR. R THADANI,MR. B
PATHAK

Advocate for the Respondent : ASSTT.S.G.I., MR. C K S BARUAH

**BEFORE
HONOURABLE MR. JUSTICE KARDAK ETE**

ORDER

Date : 31.03.2026

Heard Mr. B. Pathak, learned counsel for the petitioner. Also heard Mr. C.K.S. Baruah, learned CGC appearing for all the respondents.

2. Although the petitioner has challenged the impugned letter dated 03.01.2022 passed by the Major Capt Adjutant 24 Assam Rifles, whereby the petitioner was ultimately dismissed from service by an order dated 02.07.2022, Mr. B. Pathak, learned counsel for the petitioner fairly submits that the petitioner is not pressing the challenge made in this petition except for release of an amount of Rs.11,90,385.86 (Rupees eleven lakh ninety thousand three hundred eighty five and eighty six paise only) as accumulated in his NPS account.

3. The petitioner was enlisted in the Assam Rifleman/General on 02.06.2005 and posted to 24 Assam Rifles after completion of basic military training and thereafter, he was posted at various places at northeastern region of the country.

4. By the notice dated 03.01.2022, an opportunity was given to the petitioner to rejoin on duty within one month of the receipt of the letter, failing which, the provision of Assam Rifles Regulation 2016 would be applicable and the petitioner would be dismissed from service on completion of three years of desertion period. The ground of such notice was that the petitioner granted 24 days earned leave plus 04 days journey period w.e.f. 22 April 2019 to 19 May 2019 and extended 15 days earned leave w.e.f. 20 May 2019 to 03 June 2019 and again requested for extension of his leave for 17 days. His 17 days earned leave again was extended w.e.f. 04 June 2019 to 20 June 2019 and failed to rejoin duty on expiry of said leave and the petitioner deliberately absented himself from duty without any information.

5. By the order dated 02.07.2022, the petitioner was dismissed from service as Rifleman/General Duty without pension and gratuity.

6. As noted above, Mr. B. Pathak, learned counsel for the petitioner submits that the petitioner is not pressing the matter as regards the challenge to the impugned notice. However, the respondent authorities may be directed to release the accumulated amount in his NPS Account as contributed by

the petitioner during his service tenure.

7. Mr. C.K.S. Baruah, learned CGC in his usual fairness submits that an amount of Rs.11,90,385.86 (Rupees eleven lakh ninety thousand three hundred eighty five and eighty six paise only) is found accumulated in the NPS account of the petitioner, to which the petitioner is entitled to receive. The amount of contribution by the petitioner under NPS would be released within a reasonable period.

8. Having considered that the issue raised in the writ petition having not been pressed by the learned counsel for the petitioner and considering the prayer to the extent for release of the contribution amount under NPS as well as agreed to by the learned counsel for the parties, I deem it appropriate to dispose of the writ petition with a direction to the respondent authorities to release the contribution amount under NPS within a reasonable period of time.

9. Accordingly, a sum of Rs.11,90,385.86 (Rupees eleven lakh ninety thousand three hundred eighty five and eighty six paise only) accumulated in the NPS account of the petitioner be released within a period of 30 days from today.

10. It is provided that any interest which has already accumulated with the principal amount of contribution be also paid to the petitioner.

11. Writ petition is accordingly disposed of.

JUDGE

Comparing Assistant