

GAHC010105012026



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

**Case No. : WP(C)/2852/2026**

CT ARMR NEPAL PODDER

S/O LATE JAGADISH PODDER FORCE NO-055351693PRESENT UNIT-78  
BNPAST UNIT-175 BN W.E.F. 13.07.2019 TO 02.12.2023

2: HC GD RUBUL AHMED

S/O MD ADARSA ALI FORCE NO-031529441PRESENT UNIT-78 BNPAST  
UNIT-175 BN W.E.F. 11.06.2019 TO 08.06.2024

3: HCGD PANSARE NILESH ASHOK

S/O LATE ASHOK DHONDIRAM PANSARE FORCE NO-041616549PRESENT  
UNIT- 09 BNPAST UNIT-175 BN W.E.F. 31.10.2018 TO 08.11.2022

4: HCGD VIJAY SINGH

S/O SH. KAILASH SINGH FORCE NO-035180039 PRESENT UNIT- 101 BN  
RAFPAST UNIT-175 BN W.E.F. 27.06.2017 TO 24.01.2021

5: SIGD JAGTAR SINGH

S/O LATE GURDEEP SINGH FORCE NO-910990342 PRESENT UNIT- 245  
BNPAST UNIT-175 BN W.E.F. 27.06.2017 TO 24.01.2021

6: HCGD MAHATAB HASAN

S/O ALI HASAN FORCE NO-031509146 PRESENT UNIT-122 BN PAST UNIT-  
175 BN W.E.F. 18.10.2018 TO 09.11.2020

7: CTGD VIJAY KUMAR JATAV

S/O CHETU JATAV FORCE NO-135060641PRESENT UNIT-153 BNPAST UNIT-  
175 BN W.E.F. 09.08.2019 TO 31.10.2022

8: HCGD KAPIL DEV

S/O SHRI BRAJ PAL SINGHFORCE NO-035252664 PRESENT UNIT-SDG PAST  
UNIT-175 BN W.E.F. 16.10.2018 TO 07.07.2022

9: HCGD CHANDAN GOSWAMI

S/O SARAT CHANDRA GOSWAMIFORCE NO-015132762 PRESENT UNIT-128

BN PAST UNIT-175 BN W.E.F. 17.02.2018 TO 31.05.2022

10: CTGD MD SABUR KHAN

S/O ABDUL KHADDUS KHANFORCE NO-085330932 PRESENT UNIT-110 BN  
PAST UNIT-128 BN W.E.F. 06.07.2019 TO 05.07.2023

11: SIGD ACHYUT KUMAR SAIKIA

S/O GOLAP CHANDRA SAIKIAFORCE NO-981241624 PRESENT UNIT-110 BN  
PAST UNIT-128 BN W.E.F. 01.08.2018 TO 14.09.2022

12: CTGD NIKHAT TIWARI

S/O CHUNMUN TIWARIFORCE NO-125191521 PRESENT UNIT-110 BN PAST  
UNIT-128 BN W.E.F. 13.07.2019 TO 27.08.2021 ADDRESS OF  
COMMUNICATION OF THE PETITIONERS- C/O- OFFICE OF THE DIRECTOR  
GENERAL

CENTRAL RESERVE POLICE FORCE CRPF

CGO COMPLEX

LODHI ROA

VERSUS

THE UNION OF INDIA

REPRESENTED BY THE SECRETARY TO THE GOVERNMENT OF INDIA,  
MINISTRY OF HOME AFFAIRS, NEW DELHI- 110001.

2:THE DIRECTOR GENERAL

CENTRAL RESERVE POLICE FORCE CRPF

CGO COMPLEX

LODHI ROAD

NEW DELHI- 110003

3:THE INSPECTOR GENERAL OF POLICE

NORTH EASTERN SECTOR

CENTRAL RESERVE POLICE FORCE CRPF

SHILLONG

MEGHALAYA

PIN 793001.

4:THE DEPUTY INSPECTOR GENERAL OF POLICE

CENTRAL RESERVE POLICE FORCE CRPF

ADMINISTRATION DIRECTORATE

CGO COMPLEX

LODHI ROAD

NEW DELHI- 110003.

5:THE DEPUTY INSPECTOR GENERAL OF POLICE

CENTRAL RESERVE POLICE FORCE CRPF

9TH MILE  
AMERIGOG  
GUWAHATI  
ASSAM  
PIN781025.

6:THE COMMANDANT 175 BATTALION CENTRAL RESERVE POLICE FORCE  
RANI

AZARA  
ASSAM  
PIN 781017.

7:THE COMMANDANT 128 BATTALION  
CENTRAL RESERVE POLICE FORCE IOC COMPLEX  
SECTOR-III  
NOONMATI  
KAMRUP  
ASSAM  
PIN 78102

**Advocate for the Petitioner** : MD. S ALOM, MS. A BEGUM,MR. M S ALAM

**Advocate for the Respondent** : SC, C G S C,

**BEFORE**  
**HONOURABLE MR. JUSTICE SOUMITRA SAIKIA**

**ORDER**

**03.06.2026**

Heard Mr. S. Alom learned counsel for the petitioners.

**2.** The petitioners are aggrieved that the Risk and Hardship (R & H) Allowance paid to the petitioners for the period from February, 2019 or since their date of joining (who joined after or before February, 2019) to till their transfer to other Battalion of CRPF or till the date the said benefit was provided in their respective Battalion has been sought to be recovered by the Respondent

Authorities vide the order dated 22.05.2025 on the ground that excess amounts had been released. The petitioners are all employees of CRPF serving in various Battalions or Units. While they were serving in Assam as a part of their respective 175 Battalion and 128 Battalion, CRPF, the benefits of Risk and Hardship (R & H) Allowance for the period from February, 2019 or since their date of joining (who joined after or before February, 2019) to till their transfer to other Battalion of CRPF or till the date the said benefit was provided in their respective Battalion January, 2023 was released to them, which now sought to be recovered by the impugned order dated 22.05.2025 on the ground that excess amounts were paid.

**3.** Learned counsel for the petitioners has referred to a judgment passed by a Coordinate Bench of this Court in WP(C) No. 2828/2023 and other connected writ petitions which were disposed of vide the order dated 22.05.2024 wherein the claims of the petitioners therein were allowed and the recovery sought to be made was interfered with by placing reliance on the judgment of the Apex Court in the case of "*State of Punjab & Others Vs. Rafiq Masih (White Washer) & Others*" reported in (2015) 4 SCC 334.

**4.** Ms. B. Sarma, learned CGC on the other end submits on instruction(s) that the Union of India has preferred an Intra-Court Appeal in I.A.(Civil) No. 2443/2025 and the matter is presently under consideration before the Division Bench of this Court on the prayers for condonation of delay. It is submitted that the matter is still pending and no final orders have been passed.

**5.** Taking into consideration the submissions made by the respective counsels,

this Court is of the view that at this stage notices be issued.

- 6.** Accordingly, issue Notice, returnable by 4 (four) weeks.
- 7.** Since Ms. B. Sarma, the learned CGC appears on behalf of all the respondents and accepts notice, Notices are waived.
- 8.** Extra copies of the writ petition be furnished within a period of 1 (one) week from today.
- 9.** The learned counsels for both the parties are at liberty to intimate this Court about further orders being passed by the Division Bench in I.A. (Civil) No. 2443/2025.
- 10.** Until further orders, the impugned recovery sought to be made shall remain stayed.
- 11.** In the meantime, respondents are permitted to complete their instruction(s) and file necessary affidavit.

**JUDGE**

**Comparing Assistant**