

GAHC010113952025



2026:GAU-AS:9618

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

Case No. : WP(C)/3185/2025

GS 183761W UDC SRI SHASHI BHUSHAN PANDEY
S/O SRI SATYENDRA PANDEY, PRESENTLY SERVING AS UPPER DIVISION
CLERK (UDC), HAVING PERMANENT RESIDENT AT VPO - UDWANT
NAGAR, DIST- BHOJPUR, BIHAR - 802210 AND PRESENTLY POSTED AT 1159
(I) WORKSHOP PLATOON C/O 99 APO, PIN-931159

VERSUS

THE UNION OF INDIA AND 6 ORS.
REPRESENTED BY JOINT SECRETARY (BR-WING), MINISTRY OF DEFENCE
(EARLIER DESIGNATED AS SECRETARY (BRDB)), ROOM NO. 418, B WING,
4TH FLOOR, SENA BHAWAN, NEW DELHI-110011

2:DIRECTOR GENERAL
BORDER ROADS ORGANIZATION
SEEMA SADAK BHAWAN
RING ROAD
DELHI CANTT
NEW DELHI-110010

3:ADDITIONAL DIRECTOR GENERAL (EAST)
BORDER ROADS ORGANISATION
LANKESWAR
JALUKBARI
GUWAHATI
C/O 99 APO
PIN-900885

4:THE PRINCIPAL CONTROLLER OF DEFENCE ACCOUNTS (BORDER
ROADS)
RING ROAD
NARAINA

DELHI CANTT.
NEW DELHI-110010

5:THE CHIEF ENGINEER
HQ CE (P) SEWAK
PIN-931714 C/O 99 APO

6:THE COMMANDER
HQ 15 TF
C/O 99 APO
PIN-930015

7:THE OFFICER COMMANDING
1159 (I) WORKSHOP (GREF)
C/O 99 APO
PIN-93115

Advocate for the Petitioner : MRS. R BORAH, MR. D BORAH

Advocate for the Respondent : DY.S.G.I.,

- B E F O R E -

HON'BLE MR. JUSTICE KAUSHIK GOSWAMI

For the Petitioner : Mrs. R Borah; Mr. D Borah.

For the Respondent(s) : Mr. U K Goswami, CGC

Date on which judgment
is reserved : **N/A**

Date of pronouncement

of judgment : **15.07.2026.**

Whether the pronouncement
is of the operative part

of the judgment ? : **No.**

Whether the full judgment

has been pronounced : **Yes.**

JUDGMENT & ORDER

Heard Mr. D Borah, learned counsel for the petitioner. Also heard Mr. U K Goswami, learned CGC for the respondents.

2. By way of this petition under Article 226 of the Constitution of India, the petitioner has assailed the impugned order dated 20.02.2025, whereby a distinction has been sought to be drawn between the petitioner and similarly situated employees, notwithstanding the judgment and order dated 17.03.2020 passed by the High Court of Sikkim in WP(C) No. 67 of 2017.

3. The case of the petitioner is that he is serving as an Upper Division Clerk (for short, "UDC") in the Border Roads Organisation (for short, "BRO") under the General Reserve Engineer Force (for short, "GREF"). According to the petitioner, upon his re-appointment/promotion from the post of Pioneer to that of Lower Division Clerk (for short, "LDC"), he became entitled to one notional increment under the provisions of FR-22(I)(a)(1). However, the said benefit was not extended to him, compelling him to institute the present writ petition.

4. It is the specific case of the petitioner that five other similarly situated employees have already been granted the benefit of one notional increment under FR-22(I)(a)(1) in terms of the judgment and order dated 17.03.2020 referred to hereinabove.

5. Mr. Borah, learned counsel for the petitioner, submits that since the benefit has already been extended to similarly situated employees pursuant to the judgment of a Coordinate Bench of the High Court of Sikkim, there is no rational basis for denying the same benefit to the present petitioner.

6. At this stage, Mr. U. K. Goswami, learned Central Government Counsel, fairly

submits that, upon reconsideration of the issue involved in the present writ petition, the Principal Controller of Defence Accounts (PCDA) has extended the benefit of FR-22(I)(a)(1) to the petitioner and that the said benefit shall also be taken into account for the purpose of Modified Assured Career Progression (MACP).

7. The aforesaid submission is supported by a communication received from the Joint Director, Legal (Pers), Directorate General Border Roads (DGBR), enclosing a copy of the letter dated 09.07.2026. The said communication placed before this Court by the learned CGC, is taken on record, and marked as Exhibit "X".

The letter dated 09.06.2026 reads as under:

"No. Pay Tech/ 1357/BR/PF/ 7t CPC

To.

Date 09.07.2026

Headquarters,

Die General Border Roads,

(T&C) Section

Seema Sadak Bhawan, Ring Road, Delhi Cantt New-Delhi-110010

Subject: Statement of case for extending benefit of one notional increment on Pay Fixation on Re-appointment to Post of Higher pay scale carrying Higher degree of duties/responsibilities to GREF.

Reference: HQ DGBR File No. 18368/DGBR/SBP/T&C (Imp) dated 23.04.2026.

Kindly examine the 67049. Kindly case in A/Policy/DGBR/EG2(RTG) dated 01.06.1988 (Copy enclosed) in which the letter No 9/11/55-the light of letter RRS dated 22 12. 1959 & letter No. 67043-A/Policy/DGR/EG-2(rtg) Dated 22 10.1974 have been cancelled.

The basis of the court Case is the Para-6(a) of letter No. letter No. 67043-A/Policy/DGR/EG-2(Rtg) Dated 22 10.1974 which states that 'Reappointment means fresh appointment If, the same clause/ Recruitment Rules has been deleted vide letter no. 01.06.1988 mentioned above, then after passing the Departmental Exam, the individual can be given the benefit of FR (22) a (i) However, the same will be counted for MACP purpose

Noting File mentioned under reference is returned herewith.

SrAO (Pay Tech)"

8. In view of the aforesaid development, nothing further survives for adjudication in the present writ petition, inasmuch as the petitioner's claim for fixation of pay under

FR-22(I)(a)(1) by granting one notional increment with effect from the date of his re-appointment, i.e., 19.03.2009, has been accepted by the competent authority.

9. Consequently, the impugned order dated 20.02.2025 cannot sustained in law and is accordingly set aside and quashed.

10. The respondents are directed to grant the petitioner one notional increment in terms of FR-22(I)(a)(1) with effect from 19.03.2009 and to release all consequential monetary benefits, including arrears of pay, in accordance with law, within a period of three months from the date of receipt of a certified copy of this order.

11. With the above observations and directions, the writ petition stands allowed and disposed of.

JUDGE

Comparing Assistant