Serial No. 01
Supplementary List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C) No. 435 of 2022

Reserved on: 25.08.2026
Pronounced on: 29.10.2026
Uploaded on: 29.10.2026

Whether the operative part or full judgment is pronounced: Full Judgment

---

Ex No. G/2401450 Rifleman (General Duty),
L. Pearlson
S/o Late L. Ningtam,
Vill. & P.O.- Sanakeithal,
Dist.- Ukhrul, Manipur,
Presently residing at house No- 24, Milijuli Path, Satgaon,
Guwahati, Assam, discharged from service from 24th
Assam Rifles C/O 99 APO, Pin – 932024.

…… **Petitioner(s)**

-Versus-

1. Union of India, represented by the Secretary the
   Govt. of India, Ministry of Home Affairs,
   New Delhi – 110001.

2. Director General of Assam Rifles,
   Shillong, Meghalaya – 11.

3. The Commandant 24th Assam Rifles,
   C/O 99APO PIN-932024.

……. **Respondent(s)**

Coram:

Hon'ble Mr. Justice W. Diengdoh, Judge

---

i) Whether approved for reporting in Law journals etc.: Yes/No

ii) Whether approved for publication in press: Yes/No

Appearance:

For the Petitioner/Appellant(s) : Mr. V. Kumar, Adv.
Ms. P. Chettri, Adv.

For the Respondent(s) : Dr. N. Mozika, DSGI with
Mr. G. Lyngdoh, Adv.

JUDGMENT

1. Heard Mr. V. Kumar, learned counsel, who has submitted that the case of the petitioner is that he was appointed as a Rifleman/GD (General Duty) on 03.01.1986. In his line of duty, has also been awarded by the Director General Assam Rifles Commendation Card and Governor Gold Medal in the year 1995 for commendable service.

2. It is also the case of the petitioner that in the year 1999, he was detailed by the Commandant 24th Assam Rifles to perform duty at Intelligence Section, during which period, one Assistant Manager of Bank of Baroda, who is a relative of the petitioner was apprehended. However, he was directed to help in the interrogation which he refused, following which action was threatened to be taken against him.

3. The learned counsel has further contended that 3 or 4 days after that, he was called to the main office and his signature was taken on an already typed paper, and he later came to know that he was soon discharged from service, the

reason shown reads as… *"Discharged from service on own request, on extreme compassionate ground on 30.06.1999 after rending 13th year of service"*

4. The fact is that the petitioner never applied for discharge from service on his own request, and in this regard, he has submitted several representations with a prayer to reinstate him or to grant him pension/pensionary benefits as he has rendered more than 13 years of service.

5. A legal notice dated 30.09.2021 on behalf of the petitioner was also issued upon the respondent authorities with a prayer for pension and pensionary benefits to be granted to the petitioner under the Central Civil Services (Pension) Rules, 1972. A reply to this notice by the concerned authority, issued vide letter dated 05.11.2021 was also received by the petitioner, wherein, it was reiterated that since the petitioner was discharged from service on his own request, as per Rule 26 of the Central Civil Services (Pension) Rules, 1972, and having rendered only about 13 years, 5 months and 27 days of service, he is therefore not entitled to pensionary benefits.

6. It is also the submission of the learned counsel that since the petitioner has never submitted any letter of resignation, therefore, the provision of Rule 26(1) CCS (Pension) Rules, 1972 will not apply in his case. Even so, since the petitioner has crossed more than 10 years of service, if he is entitled to pension and pensionary benefits, then Rule 49(2) of the said CCS (Pension)

Rules will apply.

7. The learned counsel has further submitted that in the case of the petitioner, the Office Memorandum dated 11.02.1988 will also be applicable, since it is found therein, the circumstances under which resignation should be accepted.

8. The impugned communication by the respondent authority dated 05.11.2021, not being applicable to the petitioner, it is prayed that the same may be set aside and quashed, submits the learned counsel.

9. In reply, Dr. N. Mozika, learned DSGI assisted by Mr. G. Lyngdoh, learned counsel for the respondent/Union of India has submitted that the fact of the matter is that the petitioner on his own violation, has sought for premature discharge from service in the year 1998 on extreme compassionate grounds as he was facing domestic problems due to the illness of his wife. This request was acknowledged by the Commandant 24th, Assam Rifles on 23.12.1998, where he was also informed that in the event of his discharge, he will not be eligible for pensionary benefits. Even the petitioner himself has issued certificate stating that he fully understands this condition.

10. The learned DSGI has also submitted that in the meantime, the petitioner has not approached his superior or the authorities for withdrawal of his application and his discharge was finally approved with effect from

30.06.1999, this, being published vide 24 Assam Rifles Part-II Order No. 24/99 dated 04.03.1999.

11. It is the further submission of the learned DSGI that at the time of his discharge from service, the petitioner has served about 13 years or so, and the Assam Rifles personnel are governed by the Central Civil Services (Pension) Rules 1972, as such, the petitioner was found ineligible for pension under these Rules. Rule 48-A of the said Rules requires an employee to have served at least for 20 years to be eligible for pensionary benefits. Rule 26(1) of the CCS (Pension) Rules provides that resignation from service, unless it is allowed to be withdrawn by the appointing authority, entails forfeiture of past service. Therefore, in this view of the matter, the petitioner cannot sustain his prayer made in this petition, submits the learned DSGI.

12. This Court having taken into account the respective case of the parties, the fact that the petitioner was Assam Rifles personnel is not disputed. The he has served for about 13 years or so, till the time he is said to have been discharged from service is also not disputed. That his service is also covered by the Central Civil Services (Pension) Rules, 1972 and the provisions thereof has also been admitted by the petitioner.

13. Facts reiterated would show that the petitioner has admitted in his petition found at para 8 that he came to know of his discharge from service on

receipt of the discharged book Serial No. 0214 dated 25.05.1999, copy of the discharged certificate is annexed in the petition as Annexure-2. A perusal of the said discharge certificate would reveal that the date of discharge has been listed as 30.06.1999 (AN), the total service rendered by him was 13 years 5 months and 27 days, again under the caption *"Reasons for Discharge – Discharge from service on own request on extreme compassionate ground."*

14. Under such circumstances, it is assumed that the petitioner is aware of his discharge from service as far back as in 1999. Being aggrieved by this, the petitioner has contended that he was illegally discharged from service as he has never applied for such discharge. Towards this end, the petitioner has caused a Pleader's Notice dated 30.09.2021 issued upon the Director General Assam Rifles, Shillong, stating that his discharge is illegal and that having rendered more than 13 years' service, he is therefore entitled to pensionary benefits under the CCS (Pension) Rules 1972.

15. The contention of the petitioner cannot be accepted, the fact being that apart from the request for discharge from service on extreme compassionate ground, the petitioner has also issued a certificate dated 23.12.1998 to the extent that he is fully aware of his request for discharge and that he shall not be entitled to any pensionary benefits for his service rendered in Assam Rifles. This certificate was endorsed by the Commandant, one Colonel G. Sikdar.

16. From the above, it is amply clear that there has been lapses on the part of the petitioner, inasmuch as, though he was aware of his discharge in the year 1999, for about 22 years he kept quite and rose up from his slumber only in the year 2021 when he was issued the said Pleader's Notice. The action of the petitioner in this regard, would only demonstrate the fact that he is not keen to pursue his case, as such, there has been delay and laches on his part. Though the Court more often than not would condone delay, if reasonably explained, however, in this case, no such plausible reasons have been given for such delay in approaching the Court or the appropriate authorities. On this ground alone this petition is liable to be dismissed.

17. Again, the initial prayer made by the petitioner before the authorities is for him to be discharged from service on his own request. This can also be termed as an act of resignation from service. Under such situation, being a government employee the provision of Rule 26 of the CCS (Pension) Rules, 1972 would apply. Rule 26(1) reads as follow:

> "***26. Forfeiture of service on resignation***
> *(1) Resignation from a service or a post, unless it is allowed to be withdrawn in the public interest by the Appointing Authority, entails forfeiture of past service."*

18. The above-mentioned rules are explicit to be understood that voluntarily resignation from a post entails forfeiture of all past services and is therefore not entitled to pensionary benefits. Rule 42(2) on the otherhand, applies

to employees who are retired under the valid provision of the said rules and who have completed a minimum service of 10 years. Rule 26(1) placed in juxtaposition with Rule 49(2), it is apparent that since Rule 26(1) operates as a bar to future service benefits, therefore, Rule 49(2) would become inapplicable in such a scenario.

19. The petitioner and his act of voluntary resignation have therefore created a forfeiture of any claim to pensionary benefits. However, from what has been enclosed in the affidavit-in-opposition filed by the respondents, it appears that the petitioner is due to receive a certain sum of money towards IRLA and GPF accounts amounting to ₹ 5,656/- and ₹ 53,642/- respectively. If such amount has not been paid, the same is to be paid to the petitioner within 30 days from the date of this order. The petitioner, if he is entitled to any further dues, he is at liberty to approach the respondent authorities for the same in accordance with law and with the rules applicable.

20. In view of the above, this petition is hereby dismissed and stands disposed of. No costs.

Judge

Verified
Digitally signed by: DARIKORDOR NARY
Signed On: 29-10-2026 17:10:45 IST