

MC(PIL) 211 of 2013  
PIL. No. 2 of 2013  
(Old PIL No.40/2007)

**5-3-2014**

**HON'BLE THE CHIEF JUSTICE,  
and HON'BLE MR. JUSTICE T.NNDAKUMAR SINGH**

In view of the order passed in PIL No. 2 of 2013 (Old No. 40/2007), this Misc. Case stands closed.

(Hon'ble Mr Justice TNK SINGH)  
JUDGE  
5<sup>th</sup> March, 2014

(Prafulla C. Pant)  
CHIEF JUSTICE  
5<sup>th</sup> March, 2014

S.Rynjah

**PIL. No. 2 of 2013**  
**(Old PIL NO.40/2007)**

**5-3-2014**

**HON'BLE THE CHIEF JUSTICE,  
and HON'BLE MR. JUSTICE T.NNDAKUMAR SINGH**

Shri BMR Chyne, Advocate, present for the petitioner.

Shri VGK Kynta, Sr. Advocate, assisted by Shri R.Thangkhiew, Advocate, present for the respondents No. 7, 8 and 9.

Shri ND Chullai, Sr. Govt. Advocate, assisted by Shri KP Bhattacharjee, Govt. Advocate, present for the respondents No. 1 to 5.

Learned counsel for the respondents submitted that the issue raised in the present PIL No. 2 of 2013 (Old PIL No. 40 of 2007) stands already answered in the case of ***Larfarge Umiam Mining Pvt Ltd vrs Union of India and ors (2011) 7 SCC page 338.***

Having gone through the above mentioned case of Larfarge Umiam Mining Pvt Ltd (Supra) decided on 6-7-2011, by the Apex Court, we are of the view that no more directions are required to be passed in the present PIL pending since 2007.

Therefore, this PIL No. 2 of 2013 is hereby closed.

(Hon'ble Mr Justice TNK SINGH)  
JUDGE  
5<sup>th</sup> March, 2014

(Prafulla C. Pant)  
CHIEF JUSTICE  
5<sup>th</sup> March, 2014

S.Rynjah

Caveat Petn No. 31 of 2014

05.03.2014

HON'BLE THE CHIEF JUSTICE  
and HON'BLE MR JUSTICE T. NANDAKUMAR SINGH

Heard Shri P Nongbri, Advocate, present for the  
caveator.

Caveat stands discharged.

JUDGE  
(Hon'ble Mr Justice TNK Singh)

CHIEF JUSTICE

dev  
05.03.14

MC No. 37 of 2013  
IN WA No. 39 of 2012

05.03.2014

HON'BLE THE CHIEF JUSTICE  
and HON'BLE MR JUSTICE T. NANDAKUMAR SINGH

List this Misc. Case along with WA No. 39 of 2012.

JUDGE  
(Hon'ble Mr Justice TNK Singh)

CHIEF JUSTICE

dev  
05.03.14

MC No. 37 of 2014  
IN WP(C) No. 45 of 2014

05.03.2014

HON'BLE THE CHIEF JUSTICE  
and HON'BLE MR JUSTICE T. NANDAKUMAR SINGH

List this Misc. Case along with WP(C) No. 45 of  
2014.

JUDGE  
(Hon'ble Mr Justice TNK Singh)

CHIEF JUSTICE

dev  
05.03.14

MC No. 38 of 2013  
IN WA No. 39 of 2012

05.03.2014

HON'BLE THE CHIEF JUSTICE  
and HON'BLE MR JUSTICE T. NANDAKUMAR SINGH

List this Misc. Case along with WA No. 39 of 2012.

JUDGE  
(Hon'ble Mr Justice TNK Singh)

CHIEF JUSTICE

dev  
05.03.14

MC No. 40 of 2014  
IN WP(C)No. 46 of 2014

05.03.2014

HON'BLE THE CHIEF JUSTICE  
and HON'BLE MR JUSTICE T. NANDAKUMAR SINGH

In view of the order of the date passed in WP(C)No.  
46 of 2014, this Misc. Case stands disposed of.

JUDGE  
(Hon'ble Mr Justice TNK Singh)

CHIEF JUSTICE

dev  
05.03.14

MC No. 121 of 2013  
IN WA No. 11 of 2013

05.03.2014

HON'BLE THE CHIEF JUSTICE  
and HON'BLE MR JUSTICE T. NANDAKUMAR SINGH

In view of the order of the date passed in Misc. Case No. 135 of 2013, no further order is required to be passed in the present Misc. Case which stands disposed of.

JUDGE  
(Hon'ble Mr Justice TNK Singh)

CHIEF JUSTICE

dev  
05.03.14



MC No. 122 of 2013  
IN WA No. 11 of 2013

05.03.2014

HON'BLE THE CHIEF JUSTICE  
and HON'BLE MR JUSTICE T. NANDAKUMAR SINGH

List this Misc. Case along with WA No. 11 of 2013.

JUDGE  
(Hon'ble Mr Justice TNK Singh)

CHIEF JUSTICE

dev  
05.03.14

MC No. 135 of 2013  
IN WA No. 11 of 2013

05.03.2014

HON'BLE THE CHIEF JUSTICE  
and HON'BLE MR JUSTICE T. NANDAKUMAR SINGH

Shri ND Chullai, Senior GA, present for the appellants/applicants.

Shri HS Thangkhiew, Senior Advocate, assisted by Shri N Mozika, Advocate, present for the respondents/writ petitioners.

Heard.

By means of this application, the writ appellants have sought condonation of delay of 107 days in filing the writ appeal against the judgment and order dated 13.12.2013 passed in WP(C)No. (SH) 230 of 2011.

The delay in filing the appeal is sufficiently explained in the application supported by affidavit.

Therefore, the delay condonation application is allowed. The delay is condoned.

Misc. Case stands disposed of.

JUDGE  
(Hon'ble Mr Justice TNK Singh)

CHIEF JUSTICE

dev  
05.03.14

MC No. 236 of 2013  
IN WA No. 27 of 2013

05.03.2014

HON'BLE THE CHIEF JUSTICE  
and HON'BLE MR JUSTICE T. NANDAKUMAR SINGH

In view of the order of the date passed in WA No. 27  
of 2013, no further order need be passed in this Misc.  
Case which stands disposed of.

JUDGE  
(Hon'ble Mr Justice TNK Singh)

CHIEF JUSTICE

dev  
05.03.14

MC No. 355 of 2013  
IN WA No. 45 of 2013

05.03.2014

HON'BLE THE CHIEF JUSTICE  
and HON'BLE MR JUSTICE T. NANDAKUMAR SINGH

Shri SC Shyam, Senior Advocate, present for the applicants.

Shri M Chanda, Advocate, present for the respondent.

Heard.

By means of this application, the writ appellants have sought condonation of delay of 28 days in filing the writ appeal against the judgment and order dated 10.09.2013 passed in WP(C)No. (SH) 259 of 2011.

The delay in filing the appeal is sufficiently explained in the application supported by affidavit.

Therefore, the delay condonation application is allowed. The delay is condoned.

Misc. Case stands disposed of.

JUDGE  
(Hon'ble Mr Justice TNK Singh)

CHIEF JUSTICE

dev  
05.03.14

MC No. 356 of 2013  
IN WA No. 45 of 2013

05.03.2014

HON'BLE THE CHIEF JUSTICE  
and HON'BLE MR JUSTICE T. NANDAKUMAR SINGH

In view of the order of the date passed in WA No. 45  
of 2013, this Misc. Case stands dismissed.

JUDGE  
(Hon'ble Mr Justice TNK Singh)

CHIEF JUSTICE

dev  
05.03.14

MC No. 396 of 2012  
IN WA No. 29 of 2012

05.03.2014

HON'BLE THE CHIEF JUSTICE  
and HON'BLE MR JUSTICE T. NANDAKUMAR SINGH

Shri SC Shyam, Senior Advocate, present for the applicants.

Shri M Chanda, Advocate, present for the respondents.

Heard.

This application is moved on behalf of the writ appellants for condonation of 10 days delay in filing the writ appeal against the judgment and order dated 10.08.2012 passed in WP(C)No. 19(SH) 2010.

The delay is sufficiently explained in the application supported by affidavit.

Therefore, the delay condonation application is allowed. The delay in filing writ appeal is condoned.

Misc. Case stands disposed of.

JUDGE  
(Hon'ble Mr Justice TNK Singh)

CHIEF JUSTICE

dev  
05.03.14

MC No. 397 of 2012  
IN WA No. 29 of 2012

05.03.2014

HON'BLE THE CHIEF JUSTICE  
and HON'BLE MR JUSTICE T. NANDAKUMAR SINGH

List this Misc. Case along with WA No. 29 of 2012.

JUDGE  
(Hon'ble Mr Justice TNK Singh)

CHIEF JUSTICE

dev  
05.03.14

MC No. 402 of 2013  
IN WA No. 50 of 2013

05.03.2014

HON'BLE THE CHIEF JUSTICE  
and HON'BLE MR JUSTICE T. NANDAKUMAR SINGH

Shri H Kharmih, Advocate, present for the  
applicants/writ appellants.

Shri N Syngkon, Advocate, present for the  
respondents.

Heard.

By means of this application, the writ appellants  
have sought condonation of delay of 114 days in filing the  
writ appeal against the judgment and order dated  
11.07.2013 passed in WP(C)No. (SH) 249 of 2010.

The delay in filing the appeal is sufficiently  
explained in the application supported by affidavit.

Therefore, the delay condonation application is  
allowed. The delay is condoned.

Misc. Case stands disposed of.

JUDGE  
(Hon'ble Mr Justice TNK Singh)

CHIEF JUSTICE

dev  
05.03.14



MC No. 403 of 2013  
IN WA No. 50 of 2013

05.03.2014

HON'BLE THE CHIEF JUSTICE  
and HON'BLE MR JUSTICE T. NANDAKUMAR SINGH

List this Misc. Case along with WA No. 50 of 2013.

JUDGE  
(Hon'ble Mr Justice TNK Singh)

CHIEF JUSTICE

dev  
05.03.14

MC No. 405 of 2013  
IN WA No. 51 of 2013

05.03.2014

HON'BLE THE CHIEF JUSTICE  
and HON'BLE MR JUSTICE T. NANDAKUMAR SINGH

In view of the order of the date passed in WA No. 51  
of 2013, this Misc. Case stands disposed of.

JUDGE  
(Hon'ble Mr Justice TNK Singh)

CHIEF JUSTICE

dev  
05.03.14

PIL No. 3 of 2013

05.03.2014

HON'BLE THE CHIEF JUSTICE  
and HON'BLE MR JUSTICE T. NANDAKUMAR SINGH

Adjourned at the request of Shri BMR Chyne,  
counsel for the petitioners. List after three weeks.

JUDGE  
(Hon'ble Mr Justice TNK Singh)

CHIEF JUSTICE

dev  
05.03.14

WA No. 6 of 2011

05.03.2014

HON'BLE THE CHIEF JUSTICE  
and HON'BLE MR JUSTICE T. NANDAKUMAR SINGH

List this writ appeal along with WA No. 49 of 2010.

JUDGE  
(Hon'ble Mr Justice TNK Singh)

CHIEF JUSTICE

dev  
05.03.14

WA No. 11 of 2013  
IN WP(C)No. 230 of 2011

05.03.2014

HON'BLE THE CHIEF JUSTICE  
and HON'BLE MR JUSTICE T. NANDAKUMAR SINGH

Shri ND Chullai, Senior GA, present for the appellants.

Shri HS Thangkhiew, Senior Advocate, assisted by Shri N Mozika, Advocate, present for the respondents.

Heard.

This writ appeal is directed against the judgment and order dated 13.12.2012 passed in WP(C)No. 230 of 2011, whereby, learned single Judge has allowed the writ petition and directed the writ appellants to pay either by assessing the amount of compensation payable to the writ petitioners (present respondents) or by way of share income of the land taken for construction of the market.

Admit the appeal.

Writ petitioners/present respondents are represented by his counsel.

List this writ appeal for hearing after two weeks.

JUDGE  
(Hon'ble Mr Justice TNK Singh)

CHIEF JUSTICE

dev  
05.03.14

WA No. 27 of 2013  
IN WP(C)No. 307 of 2013

05.03.2014

HON'BLE THE CHIEF JUSTICE  
and HON'BLE MR JUSTICE T. NANDAKUMAR SINGH

Shri SC Shyam, Senior Advocate, present for the appellants.

Shri BK Deb Roy, Advocate, present for respondent.

Heard.

This writ appeal is directed against the judgment and order dated 25.06.2013 passed by the learned single Judge in WP(C)(SH)No. 307 of 2011, whereby, said Court has quashed the order dated 19.10.2010 passed by the appellant authorities, and directed to reinstate the writ petitioner (present respondent) in service.

Learned counsel for the writ appellant submitted that learned single Judge has erred in law in ignoring the four red entries which included absence without leave, intoxication during duty, etc.

Admit the appeal.

Respondent is already represented through his counsel.

List this writ appeal for hearing in due course showing the name of Shri R Deb Nath, CGC, as counsel for the appellants. Meanwhile, the operation of the impugned order dated 25.06.2013 passed in WP(C)(SH)No. 307 of 2011 is stayed until further orders of this Court.

(Hon'ble Mr Justice TNK Singh)  
JUDGE

(Prafulla C Pant)  
CHIEF JUSTICE

dev  
05.03.14

WA No. 29 of 2012

05.03.2014

HON'BLE THE CHIEF JUSTICE  
and HON'BLE MR JUSTICE T. NANDAKUMAR SINGH

Shri SC Shyam, Senior Advocate, present for the  
appellants.

Shri M Chanda, Advocate, present for the  
respondents.

Heard.

This appeal is directed against the judgment and  
order dated 10.08.2012 passed in WP(C)No. 19 (SH) 2010,  
whereby, learned single Judge has allowed the writ  
petition and directed the respondents (present appellants)  
to provide the petitioners the rank of Assistant Sub-  
Inspector/Warrant Officer.

Admit the appeal.

Affidavits are already exchanged.

List this writ appeal for hearing in due course.

JUDGE  
(Hon'ble Mr Justice TNK Singh)

CHIEF JUSTICE

dev  
05.03.14

WA No. 39 of 2012

05.03.2014

HON'BLE THE CHIEF JUSTICE  
and HON'BLE MR JUSTICE T. NANDAKUMAR SINGH

Adjourned at the request of Ms R Dutta, counsel for  
the respondents. List on 28.03.2014 for hearing.

JUDGE  
(Hon'ble Mr Justice TNK Singh)

CHIEF JUSTICE

dev  
05.03.14



WA No. 43 of 2011  
IN WP(C)No. 84 of 2003

05.03.2014

HON'BLE THE CHIEF JUSTICE  
and HON'BLE MR JUSTICE T. NANDAKUMAR SINGH

Adjourned at the request of Ms R Dutta, counsel for  
the appellants. List on 28.03.2014 for hearing.

JUDGE  
(Hon'ble Mr Justice TNK Singh)

CHIEF JUSTICE

dev  
05.03.14

WA No. 45 of 2013  
IN WP(C)No. 259 of 2011

05.03.2014

HON'BLE THE CHIEF JUSTICE  
and HON'BLE MR JUSTICE T. NANDAKUMAR SINGH

Shri SC Shyam, Senior Advocate, present for the appellants.

Shri M Chanda, Advocate, present for the respondent.

Heard.

This writ appeal is directed against the judgment and order dated 10.09.2013 passed by the learned single Judge in WP(C)No. 259 (SH) 2011, whereby, said Court has allowed the writ petition and directed the appellants authority to promote the petitioner w.e.f. 01.03.2010.

Briefly stated, the writ petitioner (present respondent No. 1) is a Naib Subedar SKT (Engr.) of Assam Rifles, Shillong. Earlier, due to lower Medical Category, it appears that he was not promoted but later, after upgradation of medical category, considered for promotion. The issue raised by the writ petitioner was that he should have been promoted from the date junior to him, namely, Pan Singh was promoted. The defence taken by the writ appellants before the learned single Judge was that at the time when Departmental Promotion Committee considered the matter of junior employee, Annual Confidential Remarks of the present respondent (writ petitioner) could not be produced.

We are of the view that maintaining Annual Confidential Remarks of the writ petitioner/present respondent No. 1 and producing the same before the Departmental Promotion Committee was the responsibility of the writ appellants for which writ petitioner cannot be made to suffer. Therefore, we do not find any illegality in the impugned order.

Accordingly, writ appeal is dismissed summarily.

(Hon'ble Mr Justice TNK Singh)  
JUDGE

(Prafulla C Pant)  
CHIEF JUSTICE

dev  
05.03.14



WA No. 49 of 2010

05.03.2014

HON'BLE THE CHIEF JUSTICE  
and HON'BLE MR JUSTICE T. NANDAKUMAR SINGH

Adjourned at the request of Shri S Chackraborty,  
counsel for the respondent No. 1. List on 14.03.2014 for  
hearing.

JUDGE  
(Hon'ble Mr Justice TNK Singh)

CHIEF JUSTICE

dev  
05.03.14

WA No. 50 of 2013

05.03.2014

HON'BLE THE CHIEF JUSTICE  
and HON'BLE MR JUSTICE T. NANDAKUMAR SINGH

Shri H Kharmih, Advocate, present for the appellants.

Shri N Syngkon, Advocate, present for the respondents.

Heard.

This writ appeal is directed against the judgment and order dated 11.07.2013 passed in WP(C)No.(SH) 249 of 2010 whereby, learned single Judge has allowed the writ petition and directed the writ appellants to reconsider the case of the writ petitioners (present respondents) to provide them appointments as Assistant Teachers by relaxing the age bar.

Learned counsel for the appellants argued that the writ petitioners (present respondents) were not qualified for the post as they were working on ad hoc basis as such there was no illegality in the termination orders.

Admit the appeal.

List this writ appeal for hearing after three weeks.

(Hon'ble Mr Justice TNK Singh)  
JUDGE

(Prafulla C Pant)  
CHIEF JUSTICE

dev  
05.03.14

WA No. 51 of 2013  
IN WP(C)No. 17 of 2013

05.03.2014

HON'BLE THE CHIEF JUSTICE  
and HON'BLE MR JUSTICE T. NANDAKUMAR SINGH

Shri SC Shyam, Senior Advocate, present for the appellants.

Shri R Jha, Advocate, present for the respondent.

Heard.

This writ appeal is directed against the judgment and order dated 22.11.2013 passed in WP(C)No. 17 of 2013, whereby, learned single Judge has allowed the writ petition and directed the writ appellants to reinstate the writ petitioner (present respondent), in service.

Learned counsel for the writ appellants submitted that the learned single Judge has erred in law in ignoring five red entries earned by the writ petitioner (present respondent) on the basis of which the order dated 13.05.2009 was passed dismissing the writ petitioner from service.

Admit the appeal.

Writ petitioner/present respondent is represented by his counsel.

List this writ appeal for hearing in due course.

Having considered the submissions of the learned counsel for the parties, as an interim measure, it is directed that the operation of the impugned order dated 22.11.2013 passed in WP(C)No. 17 of 2013 is stayed until further orders of this Court.

(Hon'ble Mr Justice TNK Singh)  
JUDGE

(Prafulla C Pant)  
CHIEF JUSTICE

dev  
05.03.14

WP(C) No. 45 of 2014

05.03.2014

HON'BLE THE CHIEF JUSTICE  
and HON'BLE MR JUSTICE T. NANDAKUMAR SINGH

Adjourned at the request of Shri BMR Chyne,  
counsel for the appellants. List after three weeks.

JUDGE  
(Hon'ble Mr Justice TNK Singh)

CHIEF JUSTICE

dev  
05.03.14

05.03.2014

HON'BLE THE CHIEF JUSTICE  
and HON'BLE MR JUSTICE T. NANDAKUMAR SINGH

Shri R Deb Nath, CGC, present for the writ petitioners.

Shri P Nongbri, Advocate, present for the respondents.

Heard.

This writ petition is directed against the award dated 23.08.2013 passed in OA No. 260/2013 by Central Administrative Tribunal, Guwahati Bench, whereby, the Tribunal has disposed of the case with the direction to the writ petitioners to adjudicate the pending representation of the present respondents in the light of the decision passed by the Chandigarh Bench of Central Administrative Tribunal in OA No. 1038/CH/2010.

By the impugned award, the Tribunal has disposed of OA No. 260 of 2013 at the motion stage on the ground that Chandigarh Bench of Central Administrative Tribunal has decided similar issue in OA No. 1038/CH/2010. Learned counsel for the writ petitioners submitted that said judgment was delivered in respect of a different organization. It is further pointed out that similar issue decided by the Delhi Bench of Central Administrative Tribunal is sub-judice before the Delhi High Court.

Having heard learned counsel for the parties on the admission of the writ petition, we are of the view that the writ petitioners should take a decision on the representation of the present respondents in compliance of the impugned award.

Accordingly, without prejudice to the rights of the parties, this writ petition is summarily disposed of directing the writ petitioners to decide the representation of the present respondent regarding their claim under Modified Assured Career Progression Scheme, by a



reasoned order. We clarify that we have not given any opinion on the merits of the claim of the respondents.

(Hon'ble Mr Justice TNK Singh)  
JUDGE

(Prafulla C Pant)  
CHIEF JUSTICE

dev  
05.03.14