

**Cont.Cas(C) No. 32 of 2013**

**7-7-2014**

**HON'BLE THE CHIEF JUSTICE**

Mr. MF Qureshi, Advocate, present for the petitioner.

Mrs. NG Shylla, GA, present for the respondents.

Mr. R.Sahu, Advocate, present for the respondent No.2.

Rejoinder affidavit to the affidavit-in-opposition has been filed on behalf of the petitioner. Same be taken on record.

Learned counsel for the writ petitioner states that he wants 3(three) weeks' time to seek instructions from the writ petitioner, Sahani Alom.

List after 3(three) weeks.

**CHIEF JUSTICE**

S.Rynjah

**Cont.Cas(C) No. 36 of 2012**

**7-7-2014**

**HON'BLE THE CHIEF JUSTICE**

None present for the petitioner/applicant.

Dr. BP Todi, Addl. AG, assisted by Mr. KP Bhattacharjee, GA, present for the respondents.

The notices sent to respondents on 16-6-2014 by registered post have not been received back as reported by the office. Since one month period has not expired, list this matter on 21-7-2014.

S.Rynjah

**CHIEF JUSTICE**

**CRP. No. 56 of 2013**

**7-7-2014**

**HON'BLE THE CHIEF JUSTICE**

Mr. S. Thapa, Advocate, present for the petitioner.

Mr. P.Nongbri, Advocate, present for the respondents.

Misc. Case No. 19 of 2014 moved on behalf of applicant/  
petitioner to decide this CRP on merits, has been disposed of.

Therefore, list this CRP No. 56 of 2013 on the already  
date fixed on 1-8-2014 for hearing.

S.Rynjah

**CHIEF JUSTICE**

**CRP. No. 59 of 2013**

**7-7-2014**

**HON'BLE THE CHIEF JUSTICE**

Mr. S. Thapa, Advocate, present for the petitioner.

Mr. P.Nongbri, Advocate, present for the respondents.

Misc. Case No. 19 of 2014 moved on behalf of applicant/  
petitioner to decide this CRP on merits, has been disposed of.

Therefore, list this CRP No. 59 of 2013 on the already  
date fixed on 1-8-2014 for hearing.

S.Rynjah

**CHIEF JUSTICE**

**MC(CRP). No. 19 of 2014**

**In CRP No. 56 of 2013**

**7-7-2014**

**HON'BLE THE CHIEF JUSTICE**

Mr. S. Thapa, Advocate, present for the applicant.

Mr. P.Nongbri, Advocate, present for the respondents.

By means of this application, the review applicant/petitioner has sought discontinuation of mediation process and to decide the CRP No. 56 of 2013 and CRP No. 59 of 2013 on merits.

Heard.

The parties cannot be forced to mediate or enter into compromise. As such, Misc. Case. No. 19 of 2014 is disposed of with the direction that CRP No. 56 of 2013 and CRP No. 59 of 2013 shall be heard on merits on the already date fixed on 1-8-2014. (Misc. Case No. 19 of 2014 stands disposed of).

S.Rynjah

**CHIEF JUSTICE**

**Review Pet. No. 4 of 2014**

**(Old No. 145 of 2013)**

**7-7-2014**

**HON'BLE THE CHIEF JUSTICE**

Dr. BP Todi, Addl. AG, assisted by Mr. KP Bhattacharjee, GA, present for the review applicants.

1. Heard.
2. By means of this review application, the applicants have sought review of order dated 29-2-2012 passed by learned Single Judge in WP(C) No. 115 (SH) 2011 whereby said writ petition was disposed of. (This review petition has been received from Gauhati High Court for its disposal).
3. Brief facts of the case are that the writ petitioner's son, Havildar Lalparmawia Lushai, was inducted in 1995 as Constable with Meghalaya Police. He was promoted as Havildar, and in September 2010, he was discharging his duties on deputation as Guard with Turkish Ambassador, 22, Prithviraj Road, New Delhi. According to the State respondents (present applicants), the writ petitioner's son suffered mental sickness and after he resumed duties, he was posted as magazine guard on Tactical HQ, Vikas Puri, New Delhi. Later his whereabouts were not known. The writ petitioner (present respondent) filed writ petition No. 115 of 2011 stating that though there were some newspaper report about recovery of unidentified body lying in old Subzi Mandi Mortuary, but when the writ petitioner went there, it was of some other person. The

writ petitioner (mother of Lalparmawia Lushai) prayed in the writ petition that arrears of salary and other dues of her son be released in favour of the family members.

4. Said writ petition was disposed of vide order dated 29-2-2012 with following directions:

*“However, without delving further details in the matter, the Secretary to the Government of Meghalaya, Home Department is directed to conduct an enquiry by a competent person or an agency of his choice into the missing of the petitioner’s son, namely, Havildar Lalparmawia Lushai and an endeavour shall be made to complete such investigation within a period of two months from the date of receipt of certified copy of this order.*

*In addition thereto, the Secretary to the Government of Meghalaya, Home Department is further directed to take appropriate measure for the welfare of the petitioner’s family making appropriate provision for their livelihood till such investigation is over. If something untoward surfaces on conclusion of the enquiry, the Secretary to the Government of Meghalaya, Home Department shall use his good office to rehabilitate one member of the family, on compassionate humane ground, as a special case.*

*With this observation and direction as stated, the writ petition stands disposed of....”*

5. Learned counsel for the review applicant/ State respondents submitted that the enquiry was conducted in pursuance to aforesaid order but no compassionate appointment can be granted to the family member as there was no such scheme available after 2010 with the State Government. Therefore, it is prayed on behalf of

the review applicant, to review the order directing to rehabilitate one member of the family on compassionate humane ground.

6. Having heard learned counsel for the review applicant, and after going through the papers on record, in the above facts and circumstances, this Court does not find any illegality in the order passed by learned Single Judge. The only clarification which is required to be made is that the direction regarding compassionate appointment on humane ground is required to be complied with only when it is found in the enquiry that the employee had died, and there is some scheme available under the law to make such appointment.
7. Therefore, with the above clarification and observation, this review application stands disposed of.

**(Prafulla C.Pant)**  
**CHIEF JUSTICE**  
**07-07-2014**

S.Rynjah