

WP(C)No. 359 of 2013

09.05.2014

HON'BLE THE CHIEF JUSTICE
and HON'BLE MR JUSTICE SR SEN

Shri A Baruah, Advocate, present for the petitioner.

Shri R Gurung, Advocate, present for the State
respondents.

Learned counsel for the petitioner prays for and is
allowed further four weeks' time to file rejoinder affidavit.

List after four weeks.

JUDGE
(HON'BLE MR JUSTICE SR SEN)

CHIEF JUSTICE

dev
09.05.14

WA No. 20 of 2014
IN WP(C)No. 122 of 2013

09.05.2014

HON'BLE THE CHIEF JUSTICE
and HON'BLE MR JUSTICE SR SEN

Adjourned at the request of learned counsel for the
appellant. List on 30.05.2014 for hearing.

JUDGE
(HON'BLE MR JUSTICE SR SEN)

CHIEF JUSTICE

dev
09.05.14

WA No. 21 of 2014
IN WP(C)No. 192 of 2013

09.05.2014

HON'BLE THE CHIEF JUSTICE
and HON'BLE MR JUSTICE SR SEN

Adjourned at the request of learned counsel for the
appellant. List on 30.05.2014 for hearing.

JUDGE
(HON'BLE MR JUSTICE SR SEN)

CHIEF JUSTICE

dev
09.05.14

WA No. 35 of 2013
IN WP(C)No. 134 of 2012

09.05.2014

HON'BLE THE CHIEF JUSTICE
and HON'BLE MR JUSTICE SR SEN

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

Shri R Jha, Advocate, present for the respondent.

Adjourned at the request of Shri SC Shyam, Senior counsel for the appellants. List in the next week.

JUDGE
(HON'BLE MR JUSTICE SR SEN)

CHIEF JUSTICE

dev
09.05.14

WA No. 56 of 2010

09.05.2014

HON'BLE THE CHIEF JUSTICE
and HON'BLE MR JUSTICE SR SEN

Shri R Deb Nath, CGC, present for the appellants.

Shri VGK Kynta, Senior Advocate, present for the
respondent.

Adjourned at the request of Shri VGK Kynta, Senior
counsel for the respondent. List on 06.06.2014 for
hearing.

JUDGE
(HON'BLE MR JUSTICE SR SEN)

CHIEF JUSTICE

dev
09.05.14

HIGH COURT OF MEGHALAYA

WA No. _____ of 2014
IN WP(C)No. 235 of 2012

Ex. No. 61789, NK Parsuram Limbu, C/o Pasupati Clinic,
Assam Rifles Bazar, Happy Valley, Shillong-793007, East
Khasi Hills District, Meghalaya.

.... Appellant

-Versus-

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

2. The Director General, HQ Assam Rifles, Laitkor,
Shillong-793010, East Khasi Hills District, Meghalaya.

3. The Commandant, 6th Assam Rifles, C/o 99 APO.

4. The Deputy Director Records (Pension & Grievance
Cell), Assam Rifles, Arbuthnot Road, Laitumkhrach,
Shillong-793011, East Khasi Hills District, Meghalaya.

... Respondents

Shri BC Das, Advocate, present for the Review Appellant.

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

HON'BLE THE CHIEF JUSTICE
and HON'BLE MR JUSTICE SR SEN

O R D E R

ORAL : HON'BLE PRAFULLA C PANT, CHIEF JUSTICE

Heard.

2. This writ appeal is directed against the judgment and order dated 25.02.2014, passed by the learned single Judge in WP(C)No. 235 of 2012, whereby, said Bench has dismissed the writ petition on the ground of laches.

3. There appears to be 42 years of delay in filing the writ petition after the services of the writ petitioner were dismissed from Assam Rifles. In the writ petition, the writ petitioner who was declared deserter by the Assam Rifles, has sought quashing of the dismissal order and further sought pensionary benefits.

4. We have gone through the impugned judgment of the learned single Judge challenged before us. We fully concur with the reasons given by the learned single Judge in the order on the ground of which the writ petition was dismissed.

5. Therefore, this writ appeal is dismissed summarily.

(JUDGE)
(HON'BLE MR JUSTICE SR SEN

CHIEF JUSTICE
(PRAFULLA C PANT)

WA No. _____ of 2014
IN WP(C)No. 256 of 2013

09.05.2014

HON'BLE THE CHIEF JUSTICE
and HON'BLE MR JUSTICE SR SEN

Shri A Khan, Advocate, present for the appellants.

Shri R Mazumdar, Advocate, present for the
respondents.

This writ appeal is directed against the judgment
and order dated 19.09.2013, passed in WP(C)No. 256 of
2013, whereby, learned single Judge, vide judgment and
order dated 04.11.2010, passed in WP(C)No. 279(SH) 2009
allowed the writ petition directing the respondents to
consider the payment of Nursing allowance to the writ
petitioners.

Admit the appeal.

List this appeal on 30.05.2014 for hearing along
with the connected WA No. 14 of 2014, WA No. 15 of 2014,
WA No. 16 of 2014, WA No. 17 of 2014, WA No. 18 of
2014, WA No. 19 of 2014, WA No. 20 of 2014 and WA No.
21 of 2014.

JUDGE
(HON'BLE MR JUSTICE SR SEN)

CHIEF JUSTICE

dev
09.05.14

HIGH COURT OF MEGHALAYA

WA No. 26 of 2014
IN WP(C)NO. 156 of 2012

Smti Abida Khatoon, w/o Late Md. Issa, Holding No. 58
CB, Cantonment, Shillong-793002.

.... Appellant

-Versus-

1. Union of India, represented by the Secretary, Govt. of India, New Delhi.
2. The Director General, DE Govt. of India, Ministry of Defence, Raksha Sampada Bhawan, New Delhi-10.
3. The Principal Director, DE Govt. of India, Ministry of Defence, Eastern Command 13, Camac Street, Kolkata-17.
4. The Defence Estate Officer, Guwahati Circle, Guwahati.
5. The Chief Cantonment Officer, Shillong Cantonment, Shillong-1.
6. The Joint Director, DE Bungalow No. 36, Shillong Cantonment, Shillong-1.

... Respondents

Shri MF Qureshi, Advocate, present for the Appellant.

Shri SP Mahanta, Advocate, present for the respondents.

HON'BLE THE CHIEF JUSTICE
and HON'BLE MR JUSTICE SR SEN

O R D E R

ORAL : HON'BLE PRAFULLA C PANT, CHIEF JUSTICE

This writ appeal is directed against the judgment and order dated 02.04.2014, passed in WP(C)No. 156 of 2014,

whereby, learned single Judge has dismissed the said writ petition.

2. Heard.

3. In substance, the writ petitioner sought conversion of Lease Hold rights to Free Hold rights in the Cantonment Area of Shillong of the land adjoining to the land which belonged to him.

4. Learned single Judge has dismissed the writ petition with detailed order following the various Supreme Court's judgments.

5. We do not find any force in this writ appeal which is liable to be dismissed summarily. Accordingly, this writ appeal is dismissed summarily.

(JUDGE)
(HON'BLE MR JUSTICE SR SEN

CHIEF JUSTICE
(PRAFULLA C PANT)

dev
09.05.14

WA No. 29 of 2014
IN WP(C)No. 330 of 2012

09.05.2014

HON'BLE THE CHIEF JUSTICE
And HON'BLE MR JUSTICE SR SEN

List this writ appeal before another Bench of which one of us
(Hon'ble SR Sen, J) is not the member.

JUDGE
(HON'BLE MR JUSTICE SR SEN)

CHIEF JUSTICE

Dev
09.05.14

WA No. 20 of 2014
IN WP(C)No. 122 of 2013

09.05.2014

HON'BLE THE CHIEF JUSTICE
and HON'BLE MR JUSTICE SR SEN

Adjourned at the request of learned counsel for the
appellant. List on 30.05.2014 for hearing.

JUDGE
(HON'BLE MR JUSTICE SR SEN)

CHIEF JUSTICE

dev
09.05.14

Caveat Petn No. 76 of 2014

09.05.2014

HON'BLE THE CHIEF JUSTICE
And HON'BLE MR JUSTICE SR SEN

Ms R Paul, Advocate, present for the caveator.

Since the caveator has been served, this Caveat Petition No.
76 of 2014 stands disposed of.

JUDGE
(HON'BLE MR JUSTICE SR SEN)

CHIEF JUSTICE

Dev
09.05.14

MC No. 26 of 2014
IN WA No. _____ of 2014

09.05.2014

HON'BLE THE CHIEF JUSTICE
and HON'BLE MR JUSTICE SR SEN

Shri A Khan, Advocate, present for the applicants.

Shri R Mazumdar, Advocate, present for the
respondents.

Heard.

By means of this application, the applicants have
sought condonation of delay in filing the writ appeal
against the judgment and order dated 19.09.2013 passed
in WP(C)No. 256 of 2013.

The 167 days delay has been sufficiently explained
in the application supported by an affidavit.

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

Misc. Case No. 26 of 2014 stands disposed of.

JUDGE
(HON'BLE MR JUSTICE SR SEN)

(PRAFULLA C PANT)
CHIEF JUSTICE

dev
09.05.14

MC No. 28 of 2014
IN WA No. _____ of 2014

09.05.2014

HON'BLE THE CHIEF JUSTICE
and HON'BLE MR JUSTICE SR SEN

Shri BC Das, Advocate, present for the applicant.

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

Heard.

By means of this application, the applicant has
sought condonation of delay in filing the writ appeal
against the judgment and order dated 25.02.2014, passed
in WP(C)No. 235(SH) of 2012, whereby, learned single
Judge has dismissed the writ petition.

The 30 days delay has been sufficiently explained in
the application supported by an affidavit.

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

Misc. Case No. 28 of 2014 stands disposed of.

JUDGE
(HON'BLE MR JUSTICE SR SEN)

(Prafulla C Pant)
CHIEF JUSTICE

dev
09.05.14

MC No. 305 of 2013
IN WA No. 35 of 2013

09.05.2014

HON'BLE THE CHIEF JUSTICE
and HON'BLE MR JUSTICE SR SEN

List this Misc. Case along with WA No. 35 of 2013.

JUDGE
(HON'BLE MR JUSTICE SR SEN)

CHIEF JUSTICE

dev
09.05.14

MC No. 581 of 2010
IN WA No. 56 of 2010

09.05.2014

HON'BLE THE CHIEF JUSTICE
and HON'BLE MR JUSTICE SR SEN

List this Misc. Case along with WA No. 56 of 2010.

JUDGE
(HON'BLE MR JUSTICE SR SEN)

CHIEF JUSTICE

dev
09.05.14

MC No. 32 of 2014
IN WA No. 29 of 2014

09.05.2014

HON'BLE THE CHIEF JUSTICE
And HON'BLE MR JUSTICE SR SEN

List this Misc. Case along with WA No. 29 of 2014.

JUDGE
(HON'BLE MR JUSTICE SR SEN)

CHIEF JUSTICE

Dev
09.05.14

HIGH COURT OF MEGHALAYA

Review Petn No. 9 of 2012
IN WA No. 26 of 2011

Smti J Tariang, proprietor of Meghalaya Calcimates and
Chemicals, Upper New Colony, Laitumkhra, Shillong,
Meghalaya

.... Review Applicant/writ petitioner

-Versus-

Union of India, represented by the Secretary, Govt. of
India, Ministry of Commerce & Industries, Department of
Industrial Policy & Promotion, Udyog Bhawan, New Delhi.

... Respondent

Shri HS Thangkhiew, Senior Advocate, assisted by Shri N
Mozika, Advocate, present for the Review Applicant/writ
petitioner

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

HON'BLE THE CHIEF JUSTICE
and HON'BLE MR JUSTICE SR SEN

O R D E R

ORAL : HON'BLE PRAFULLA C PANT, CHIEF JUSTICE

By means of this review application, the review
applicant /writ petitioner has sought review of the
judgment and order dated 29.08.2012 passed by the
Division Bench in WA No. 26 of 2011, whereby, the writ
appeal was partly allowed and judgment and order dated

10.05.2010, passed by the learned single Judge in WP(C)No. 110(SH) 2008 was modified.

2. Heard.

3. Brief facts of the case are that the review applicant/respondent runs her business in name and style of 'Meghalaya Chemical and Calcinate', a Lime Calcination Plant which is a small scale industry set up in the year 1994. It was entitled to some transport subsidies from the appellant. She challenged denial of transport subsidy for the years 1996-97, 1997-98 and 1998-99. Learned single Judge allowed the writ petition and directed that the transport subsidy be paid for the aforesaid years. However, on the respondent's appeal, the Division Bench found that the bills for the period from 01.04.1998 to 04.12.1999 were submitted beyond time, time allowed i.e. one year, as such the review applicant was not entitled to transport subsidy to the tune of Rs. 6,35,193/-. In respect of the rest of the claims, the Appellate Bench agreed with the learned single Judge and also affirmed the rate of interest awarded on subsidy payable to the review applicant.

4. Learned counsel for the review applicant (writ petitioner) submitted that the period of one year should

have been calculated from 01.04.2000 for the bills submitted relating to the previous year i.e. 01.04.1999 to 31.03.2000. However, there appears no such requirement under the Rules that the bills are to be submitted together at the end of the financial year. The requirement was that the bills to be considered for transport subsidy were to be submitted within one year of the expenditure.

5. In our opinion, in the above circumstances, we do not find any error apparent on the face of the record which requires exercise of review jurisdiction in the matter. Also, there is no new fact which requires modification in the matter passed by the Division Bench in WA No. 26(SH) 2011.

6. Therefore, the review application is dismissed.

(JUDGE)
(HON'BLE MR JUSTICE SR SEN

CHIEF JUSTICE
(PRAFULLA C PANT)

dev
09.05.14

WA No. 14 of 2014
IN WP(C)No. 262 of 2013

09.05.2014

HON'BLE THE CHIEF JUSTICE
and HON'BLE MR JUSTICE SR SEN

Adjourned at the request of learned counsel for the
appellant. List on 30.05.2014 for hearing.

JUDGE
(HON'BLE MR JUSTICE SR SEN)

CHIEF JUSTICE

dev
09.05.14

WA No. 15 of 2014
IN WP(C)No. 257 of 2013

09.05.2014

HON'BLE THE CHIEF JUSTICE
and HON'BLE MR JUSTICE SR SEN

Adjourned at the request of learned counsel for the
appellant. List on 30.05.2014 for hearing.

JUDGE
(HON'BLE MR JUSTICE SR SEN)

CHIEF JUSTICE

dev
09.05.14

WA No. 16 of 2014
IN WP(C)No. 123 of 2013

09.05.2014

HON'BLE THE CHIEF JUSTICE
and HON'BLE MR JUSTICE SR SEN

Adjourned at the request of learned counsel for the
appellant. List on 30.05.2014 for hearing.

JUDGE
(HON'BLE MR JUSTICE SR SEN)

CHIEF JUSTICE

dev
09.05.14

WA No. 17 of 2014
IN WP(C)No. 193 of 2013

09.05.2014

HON'BLE THE CHIEF JUSTICE
and HON'BLE MR JUSTICE SR SEN

Adjourned at the request of learned counsel for the
appellant. List on 30.05.2014 for hearing.

JUDGE
(HON'BLE MR JUSTICE SR SEN)

CHIEF JUSTICE

dev
09.05.14

WA No. 18 of 2014
IN WP(C)No. 124 of 2013

09.05.2014

HON'BLE THE CHIEF JUSTICE
and HON'BLE MR JUSTICE SR SEN

Adjourned at the request of learned counsel for the
appellant. List on 30.05.2014 for hearing.

JUDGE
(HON'BLE MR JUSTICE SR SEN)

CHIEF JUSTICE

dev
09.05.14

WA No. 19 of 2014
IN WP(C)No. 216 of 2013

09.05.2014

HON'BLE THE CHIEF JUSTICE
and HON'BLE MR JUSTICE SR SEN

Adjourned at the request of learned counsel for the
appellant. List on 30.05.2014 for hearing.

JUDGE
(HON'BLE MR JUSTICE SR SEN)

CHIEF JUSTICE

dev
09.05.14