WP(C) No.160/2015

BEFORE
THE HON'BLE MR. JUSTICE T. NANDAKUMAR SINGH

09.07.2015

The Registry is directed to find out as to whether each of the petitioners paid court fee for filing the writ petition as provided under the High Court Rules.

List this case on *13.07.2015*.

JUDGE

Lam

WP(C). No.99/2015

BEFORE
THE HON'BLE MR. JUSTICE T NANDAKUMAR SINGH

09.07.2015

List this case tomorrow (10-07-2015) for continuation of hearing.

JUDGE

S.Rynjah

WP(C). No.243/2014

BEFORE
THE HON'BLE MR. JUSTICE T NANDAKUMAR SINGH

09.07.2015

As prayed for by Mr. M.Chanda, learned counsel appearing for the petitioner, list this case on 27-07-2015.

JUDGE

S.Rynjah

WP(C). No.265/2013

BEFORE
THE HON'BLE MR. JUSTICE T NANDAKUMAR SINGH

09.07.2015

As prayed for by Mr. M.Chanda, learned counsel appearing for the petitioner, list this case on 27-07-2015.

JUDGE

S.Rynjah

MC [WP(C)] No.123/2015
In WP(C) No.153/2015

BEFORE
THE HON'BLE MR. JUSTICE T. NANDAKUMAR SINGH

09.07.2015

Heard Mr. R Jha, learned counsel for the applicant and Mr. K Paul, learned CGC appearing for the respondents.

Issue Notice returnable within three weeks.

No formal notice needs be issued as the respondents have entered appearance through their learned CGC.

This misc. application shall be disposed of along with the main writ petition i.e. ***WP(C)No.153/2015*** on the next returnable date i.e. *30.07.2015*.

JUDGE

Lam

MC [WP(C)] No.129/2015
In WP(C) No.156/2015

BEFORE
THE HON'BLE MR. JUSTICE T. NANDAKUMAR SINGH

09.07.2015

Heard Mr. HL Shangreiso, learned counsel for the petitioner and Mr. R Deb Nath, learned CGC appearing for the respondents No.1-3.

Issue Notice returnable within four weeks.

Petitioner is to take steps for service of notice to the respondents No.4 & 5 by registered post with AD within five days.

Mr. HL Shangreiso, learned counsel for the petitioner prayed for an ad interim order. In support of his contention, learned counsel for the petitioner has drawn the attention of this Court to Annexure-'C' of the Cantonment Fund Servants Rules, 1937 (for short 'C.F.S.R., 1937'). For easy reference, the relevant portion of Annexure-'C' of the C.F.S.R., 1937 is quoted hereunder:-

"*(ANNEXURE 'C')*
CLASSIFICATION OF POSTS UNDER CANTONMENT BAORDS UNDER RULE 5 (B) (5) OF CANTONMENT FUND SERVANTS RULES 1937

> *(a) The following principles shall be adopted for classifications of posts in different cantonments;–*
>
> ***** ***** *****
>
> *(iii) Technical and skilled posts, such as Drivers, Road Roller Drivers, Fire Engine Drivers and Pump Drivers etc, shall be filled up by promotion amongst the serving lower grade employees provided the existing individual (s) hold the requisite qualifications prescribed for the post by the General Officer Commanding-in-Chief, the Commandant in pursuance of Rule 5-B (3) of the Cantonment Fund Servants Rules, 1937; if not the post will be filled up by direct recruitment. ……..*"

It is the further submission of the learned counsel for the petitioner that under Clause (a) (iii) of the C.F.S.R., 1937, the essential qualifications for technical and skilled posts, such as Drivers, Road Roller Drivers, Fire Engine Drivers and Pump Drivers etc. are to be prescribed by the General Officer Commanding-in-Chief. It is the further case of the petitioner that the essential educational qualification for the post of Driver is not prescribed by the General Officer Commanding-in-Chief. The petitioner possessed all the requisite technical qualifications for the post of Driver. The

Chief Executive Officer, Shillong Cantonment Board is not the competent authority to prescribe the essential qualifications for the post of Driver and therefore, the Chief Executive Officer, Shillong Cantonment Board cannot turn down the case of the petitioner for promotion to the post of Driver on the ground that the writ petitioner has no requisite qualifications for the post of Driver.

On considering the submissions of the learned counsel appearing for the parties and also on perusal of the said Annexure-'C' of the C.F.S.R., 1937, this Court is of the *prima facie* view that sufficient material has been made out for passing an interim. As an ad interim measure, it is provided that there shall not be any advertisement for recruitment to the said post of Driver or the said post of Driver shall not be filled up till the next returnable date.

List this case on *06.08.2015*.

JUDGE

Lam

MC [WP(C)]No.132/2015
In WP(C) No.158/2015

BEFORE
THE HON'BLE MR. JUSTICE T. NANDAKUMAR SINGH

09.07.2015

In view of the order passed today in the main writ petition i.e. ***WP(C) No.158/2015***, this misc. case stands disposed of.

JUDGE

Lam

MC [WP(C)]No.133/2015
In WP(C) No.159/2015

BEFORE
THE HON'BLE MR. JUSTICE T. NANDAKUMAR SINGH

09.07.2015

In view of the order passed today in the main writ petition i.e. ***WP(C) No.159/2015***, this misc. case stands disposed of.

JUDGE

Lam

WP(C) No.44/2015

BEFORE
THE HON'BLE MR. JUSTICE T. NANDAKUMAR SINGH

09.07.2015

As prayed for by Mr. K Khan, learned counsel for the respondents, further four weeks' time is granted as a last chance for filing affidavit-in-opposition.

List this case on *06.08.2015*.

JUDGE

Lam

WP(C) No.45/2015

BEFORE
THE HON'BLE MR. JUSTICE T. NANDAKUMAR SINGH

09.07.2015

As prayed for by Mr. K Khan, learned counsel for the respondents, further four weeks' time is granted as a last chance for filing affidavit-in-opposition.

List this case on *06.08.2015*.

JUDGE

Lam

WP(C) No.46/2015

BEFORE
THE HON'BLE MR. JUSTICE T. NANDAKUMAR SINGH

09.07.2015

As prayed for by Mr. K Khan, learned counsel for the respondents, further four weeks' time is granted as a last chance for filing affidavit-in-opposition.

List this case on *06.08.2015*.

JUDGE

Lam

WP(C) No.153/2015

BEFORE
THE HON'BLE MR. JUSTICE T. NANDAKUMAR SINGH

09.07.2015

Heard Mr. R Jha, learned counsel for the petitioner and Mr. K Paul, learned CGC appearing for the respondents.

It is the case of the petitioner that the impugned posting order is in violation of the transfer policy at Annexure-V to the writ petition. To the contra, Mr. K Paul, learned CGC appearing for the respondents submits at the Bar that the transfer policy at Annexure-V to the writ petition had already been superseded.

Issue Notice returnable within three weeks.

No formal notice needs be issued as the respondents have entered appearance through their learned CGC.

In the interregnum, Mr. K Paul, learned CGC appearing for the respondents shall file a short affidavit.

List this case on *30.07.2015* for disposal at the Admission stage.

JUDGE

Lam

WP(C) No.156/2015

BEFORE
THE HON'BLE MR. JUSTICE T. NANDAKUMAR SINGH

09.07.2015

Heard Mr. HL Shangreiso, learned counsel for the petitioner and Mr. R Deb Nath, learned CGC appearing for the respondents No.1-3.

Issue Notice returnable within four weeks.

Petitioner is to take steps for service of notice to the respondents No.4 & 5 by registered post with AD within five days.

List this case on *06.08.2015*.

JUDGE

Lam

WP(C) No.158/2015

BEFORE
THE HON'BLE MR. JUSTICE T. NANDAKUMAR SINGH

09.07.2015

Heard Mr. R Mazumdar, learned counsel for the petitioner and Mr. N Mozika, learned CGC appearing for the respondents.

Issue Notice returnable within four weeks.

No formal notice needs be issued as the respondents have entered appearance through their learned CGC.

It is the case of the petitioner that this Court had already passed interim order in the writ petitions similar with the present writ petition. A copy of one of the interim orders is annexed at Annexure-6 to the writ petition. Mr. N Mozika, learned CGC appearing for the respondents is not denying that this Court had already passed interim orders in the writ petitions similar with the present writ petition.

This Court also perused the copy of the earlier interim order and is of the considered view that a similar interim order is called for in the present writ petition. Accordingly, as an ad interim measure, it is provided that the impugned order dated 18.02.2015 (Annexure-1 to the writ petition) shall remain suspended until further orders.

List this case on *06.08.2015*.

JUDGE

Lam

WP(C) No.159/2015

BEFORE
THE HON'BLE MR. JUSTICE T. NANDAKUMAR SINGH

09.07.2015

Heard Mr. R Mazumdar, learned counsel for the petitioner and Mr. N Mozika, learned CGC appearing for the respondents.

Issue Notice returnable within four weeks.

No formal notice needs be issued as the respondents have entered appearance through their learned CGC.

It is the case of the petitioner that this Court had already passed interim order in the writ petitions similar with the present writ petition. A copy of one of the interim orders is annexed at Annexure-5 to the writ petition. Mr. N Mozika, learned CGC appearing for the respondents is not denying that this Court had already passed interim orders in the writ petitions similar with the present writ petition.

This Court also perused the copy of the earlier interim order and is of the considered view that a similar interim order is called for in the present writ petition. Accordingly, as an ad interim measure, it is provided that the impugned order dated 01.12.2014 (Annexure-2 to the writ petition) shall remain suspended until further orders.

List this case on *06.08.2015*.

JUDGE

Lam