

MC No. 231 of 2013
IN WA No.26 of 2013

09.10.2013

HON'BLE THE CHIEF JUSTICE
and HON'BLE MR JUSTICE SUDIP RANJAN SEN

Shri R Jha, Advocate, present for the applicant.

Shri SC Shyam, Sr. CGC, present for the respondents.

Heard.

This is condonation application for delay in filing the writ appeal against the order dated 31.05.2013, passed by the learned Single Judge of this Court in WP(C)No. 62 of 2012.

Eight days delay in filing the writ appeal has been sufficiently explained in the affidavit filed in the delay condonation application.

Therefore, the delay condonation application is allowed. Misc. Case stands disposed of.

JUDGE
(Hon'ble Mr Justice SR Sen)

CHIEF JUSTICE

dev
09.10.13

MC No. 237 of 2012
IN WP(C) No.180 of 2012

09.10.2013

HON'BLE THE CHIEF JUSTICE
and HON'BLE MR JUSTICE SUDIP RANJAN SEN

List this case along with WP(C) No.180 of 2012
after puja vacation.

JUDGE
(Hon'ble Mr Justice SR Sen)

CHIEF JUSTICE

dev
09.10.13

MC No. 257 of 2013
IN WA No.30 of 2013

09.10.2013

HON'BLE THE CHIEF JUSTICE
and HON'BLE MR JUSTICE SUDIP RANJAN SEN

Shri SC Shyam, Sr. CGC, present for the applicant.
Heard.

This is condonation application for delay of 87 days in filing the writ appeal against the order dated 10.04.2013, passed by the learned Single Judge of this Court in WP(C)No. 256 of 2012.

Issue notice to respondent Abdul Bari, who may file counter affidavit to the affidavit filed with the delay condonation application.

List after service of notice on the respondent.

JUDGE
(Hon'ble Mr Justice SR Sen)

CHIEF JUSTICE

dev
09.10.13

MC No. 258 of 2013
IN WA No.30 of 2013

09.10.2013

HON'BLE THE CHIEF JUSTICE
and HON'BLE MR JUSTICE SUDIP RANJAN SEN

List this case along with WA No.30 of 2013 after
service of notice on the respondent.

JUDGE
(Hon'ble Mr Justice SR Sen)

CHIEF JUSTICE

dev
09.10.13

MC No. 259 of 2013
IN WA No.31 of 2013

09.10.2013

HON'BLE THE CHIEF JUSTICE
and HON'BLE MR JUSTICE SUDIP RANJAN SEN

List this case along with WA No.31 of 2013 after
service of notice on the respondent.

JUDGE
(Hon'ble Mr Justice SR Sen)

CHIEF JUSTICE

dev
09.10.13

MC No. 260 of 2013
IN WA No.31 of 2013

09.10.2013

HON'BLE THE CHIEF JUSTICE
and HON'BLE MR JUSTICE SUDIP RANJAN SEN

Shri SC Shyam, Sr. CGC, present for the applicant.

Heard.

This is condonation application for delay of 65 days in filing the writ appeal against the order dated 25.04.2013, passed by the learned Single Judge of this Court in WP(C)No. 257 of 2012.

Issue notice to respondent Md Kausar, who may file counter affidavit to the affidavit filed with the delay condonation application.

List after service of notice on the respondent.

JUDGE
(Hon'ble Mr Justice SR Sen)

CHIEF JUSTICE

dev
09.10.13

MC No. 298 of 2013
IN WA No.34 of 2013

09.10.2013

HON'BLE THE CHIEF JUSTICE
and HON'BLE MR JUSTICE SUDIP RANJAN SEN

Issue notice to the respondent, who may file counter affidavit to the affidavit filed with the delay condonation application.

List after puja vacation for orders on delay condonation application.

JUDGE
(Hon'ble Mr Justice SR Sen)

CHIEF JUSTICE

dev
09.10.13

MC No. 299 of 2013
IN WA No.34 of 2013

09.10.2013

HON'BLE THE CHIEF JUSTICE
and HON'BLE MR JUSTICE SUDIP RANJAN SEN

List this case along with WA No.34 of 2013 after puja
vacation.

JUDGE
(Hon'ble Mr Justice SR Sen)

CHIEF JUSTICE

dev
09.10.13

MC No. 304 of 2013
IN WA No.35 of 2013

09.10.2013

HON'BLE THE CHIEF JUSTICE
and HON'BLE MR JUSTICE SUDIP RANJAN SEN

Shri SC Shyam, Sr. CGC, present for the writ
appellant/applicant.

This is condonation application for delay of 56
days in filing the writ appeal against the order dated
01.07.2013, passed by the learned Single Judge of this
Court in WP(C)No. 134 of 2012.

Issue notice to respondent Pankaj Kumar Singh,
who may file counter affidavit to the affidavit filed with
the delay condonation application.

List after service of notice on the respondent.

JUDGE
(Hon'ble Mr Justice SR Sen)

CHIEF JUSTICE

dev
09.10.13

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

09.10.2013

HON'BLE THE CHIEF JUSTICE
and HON'BLE MR JUSTICE SUDIP RANJAN SEN

List this case along with WA No.35 of 2013 after
service of notice on the respondent.

JUDGE
(Hon'ble Mr Justice SR Sen)

CHIEF JUSTICE

dev
09.10.13

WA No.8 of 2011

09.10.2013

HON'BLE THE CHIEF JUSTICE
and HON'BLE MR JUSTICE SUDIP RANJAN SEN

Adjourned at the request of Shri WM Sangma,
Advocate, present for the appellants.

List after puja vacation.

JUDGE
(Hon'ble Mr Justice SR Sen)

CHIEF JUSTICE

dev
09.10.13

WA No.18 of 2011

09.10.2013

HON'BLE THE CHIEF JUSTICE
and HON'BLE MR JUSTICE SUDIP RANJAN SEN

Adjourned at the request of Ms F Kharsyiemiong,
Advocate, holding the brief for Smti T Yangi, counsel for
the respondents.

List after puja vacation.

JUDGE
(Hon'ble Mr Justice SR Sen)

CHIEF JUSTICE

dev
09.10.13

WA No.18 of 2012

09.10.2013

HON'BLE THE CHIEF JUSTICE
and HON'BLE MR JUSTICE SUDIP RANJAN SEN

Adjourned at the request of Ms A Thangkhiew,
Advocate, present for the appellant.

List after puja vacation.

JUDGE
(Hon'ble Mr Justice SR Sen)

CHIEF JUSTICE

dev
09.10.13

WA No.26 of 2013

09.10.2013

HON'BLE THE CHIEF JUSTICE
and HON'BLE MR JUSTICE SUDIP RANJAN SEN

ORAL : HON'BLE JUSTICE PRAFULLA C. PANT, C.J.,

Shri R Jha, Advocate, present for the writ petitioner/appellant.

Shri SC Shyam, Sr. CGC, present for the respondents.

Heard.

This writ appeal is directed against the order dated 31.05.2013, passed by the learned Single Judge in WP(C)No. 62(SH) 2012, whereby the writ petition has been dismissed in limine.

Brief facts of the case are that the writ petitioner a rifleman with the Assam Rifles. In respect of the incidents dated 12.04.2010, 13.04.2010 and 14.04.2010 he was served with the show cause notice dated 24.04.2010 and consequently an order dismissing him from services was passed on 29.04.2010. The said order was challenged by the present writ petitioner in the earlier round of litigation in WP(C) No. 179(SH) 2010. After hearing the parties, the said writ petition was allowed, and by order dated 29.04.2010 dismissal order passed against the writ petitioner was set aside.

It appears that after the writ petitioner was reinstated in service now he has challenged the red entries in his service record made in respect of incidents of 12.04.2010, 13.04.2010 and 14.04.2010. The said red entries were actually the part of the same transaction, and subject matter, consequent of which the dismissal order dated 29.04.2010 was passed. In other words, the incidents dated 12.04.2010 (using criminal force against the subordinate) 13.04.2010 (absence from duty without leave) and 14.04.2010 (disobedience of order of superior officer) were

also the subject matter in the earlier round of litigation but no specific prayer was sought for in respect of the said red entries.

Learned Single Judge has dismissed the second writ petition i.e. WP(C) No. 62(SH) 2012 on the ground that the writ petitioner cannot be allowed to re-agitate the same issue by filing a fresh writ petition.

Having heard the learned counsel for the parties, we find no illegality in the view taken by the learned Single Judge in dismissing the WP(C) No. 62 (SH) 2012, summarily.

Accordingly, this writ appeal is dismissed summarily.

JUDGE
(Hon'ble Mr Justice SR Sen)

CHIEF JUSTICE

dev
09.10.13

WA No.30 of 2013
IN WP(C)No. 256 of 13

09.10.2013

HON'BLE THE CHIEF JUSTICE
and HON'BLE MR JUSTICE SUDIP RANJAN SEN

Shri SC Shyam, Sr. CGC, present for the appellants.

Heard.

This writ appeal is directed against the judgment and order dated 10.04.2013, passed by the learned Single Judge of this Court in WP(C)No.256 of 2012, whereby it has been directed that the writ petitioner be granted first ACP w.e.f. 20.11.2003 and second ACP w.e.f. 20.11.2011.

Learned counsel for the appellant argued that *Sentimon Mathew's* case decided by the Kerala High Court has not been correctly appreciated by the learned Single Judge while deciding as to the date when the first and second ACP fell due to the writ petitioner.

Issue notice to the respondent Abdul Bari.

List after service of notice on the respondent along with MC No. 257 of 2013 (i.e. the application for condonation of delay in filing the appeal).

JUDGE
(Hon'ble Mr Justice SR Sen)

CHIEF JUSTICE

dev
09.10.13

WA No.31 of 2013
IN WP(C)No. 257 of 12

09.10.2013

HON'BLE THE CHIEF JUSTICE
and HON'BLE MR JUSTICE SUDIP RANJAN SEN

Shri SC Shyam, Sr. CGC, present for the appellants.

Heard.

This writ appeal is directed against the judgment and order dated 25.04.2013, passed by the learned Single Judge of this Court in WP(C)No.257 of 2012, whereby it has been directed that the writ petitioner be granted first ACP w.e.f. 20.11.2003 and second ACP w.e.f. 20.11.2011.

Learned counsel for the appellant argued that *Sentimon Mathew's* case decided by the Kerala High Court has not been correctly appreciated by the learned Single Judge while deciding as to the date when the first and second ACP fell due to the writ petitioner.

Issue notice to the respondent Abdul Bari.

List after service of notice on the respondent along with MC No. 260 of 2013 (i.e. the application for condonation of delay in filing appeal).

JUDGE
(Hon'ble Mr Justice SR Sen)

CHIEF JUSTICE

dev
09.10.13

WA No.34 of 2013
IN WP(C)No.154 of 12

09.10.2013

HON'BLE THE CHIEF JUSTICE
and HON'BLE MR JUSTICE SUDIP RANJAN SEN

Adjourned at the request of Shri P Yobin, counsel
for the appellant.

List after puja vacation.

JUDGE
(Hon'ble Mr Justice SR Sen)

CHIEF JUSTICE

dev
09.10.13

WA No.35 of 2013
IN WP(C)No. 134 of 12

09.10.2013

HON'BLE THE CHIEF JUSTICE
and HON'BLE MR JUSTICE SUDIP RANJAN SEN

Shri SC Shyam, Sr. CGC, present for the appellants.

This appeal is directed against the judgment and order dated 01.07.2013, passed by the learned Single Judge of this Court in WP(C)No. 134 of 2012.

Issue notice to the respondent Pankaj Kumar Singh.

List after service of notice on the respondent for admission/orders along with MC No. 304 of 2013 (i.e. application for condonation of delay in filing the appeal).

JUDGE
(Hon'ble Mr Justice SR Sen)

CHIEF JUSTICE

dev
09.10.13

WP(C) No.126 of 2013

09.10.2013

HON'BLE THE CHIEF JUSTICE
and HON'BLE MR JUSTICE SUDIP RANJAN SEN

Shri HL Shangreiso, Advocate, present for the writ petitioner.

Shri R Deb Nath, CGC, present for respondents No. 1 and 2.

Shri S Sen Gupta, GA, present for the respondents No. 3 and 4.

Affidavit-in-opposition has been filed on behalf of respondents No. 1 and 2. The same be taken on record.

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

List after two weeks.

JUDGE
(Hon'ble Mr Justice SR Sen)

CHIEF JUSTICE

dev
09.10.13

WP(C) No.131 of 2011

09.10.2013

HON'BLE THE CHIEF JUSTICE
and HON'BLE MR JUSTICE SUDIP RANJAN SEN

None present for the writ petitioner.

Shri ND Chullai, Sr. GA, present for the respondent
No. 1.

Shri R Thangkhiew, Advocate, present for
respondent Nos. 2 to 5.

Shri P Nongbri, Advocate, present for the
respondent No. 6.

This writ petition is dismissed for non prosecution.

JUDGE
(Hon'ble Mr Justice SR Sen)

CHIEF JUSTICE

dev
09.10.13

WP(C) No.180 of 2012

09.10.2013

HON'BLE THE CHIEF JUSTICE
and HON'BLE MR JUSTICE SUDIP RANJAN SEN

Adjourned at the request of Shri HS
Thangkhiew, Sr. Advocate, present for the writ
petitioner.

List after puja vacation.

JUDGE
(Hon'ble Mr Justice SR Sen)

CHIEF JUSTICE

dev
09.10.13

WP(C)No.216 of 2012

09.10.2013

HON'BLE THE CHIEF JUSTICE
and HON'BLE MR JUSTICE SUDIP RANJAN SEN

Learned counsel for the respondent Nos. 5 to 8
prays for and is allowed further two weeks' time to file
counter affidavit.

List after two weeks.

JUDGE
(Hon'ble Mr Justice SR Sen)

CHIEF JUSTICE

dev
09.10.13