

WA No. 8 of 2011

10.03.2014

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

List before another bench of which one of us (Hon'ble
Mr. Justice SR Sen, Judge) is not a member.

**Judge
(Hon'ble Mr. Justice SR Sen)**

CHIEF JUSTICE

V Lyndem

**MC No. 162 of 2013 in
WA No. 23 of 2011**

10.03.2014

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

In view of the order of the date passed in WA No. 23 of 2011, this Misc. Case also stands disposed of.

**Judge
(Hon'ble Mr. Justice SR Sen)**

CHIEF JUSTICE

V Lyndem

COP No.25/2013
In WA No.42/2009

10.03.2014

**HON'BLE THE CHIEF JUSTICE
and HON'BLE MR. JUSTICE S.R. SEN**

Shri. BK Dass, Advocate, present for the petitioner.

Shri. KS Kynjing, Senior Advocate, present for the respondents.

This contempt petition has been filed alleging disobedience of order dated *13.07.2009* passed in *WP(C)No.276(SH)2004*, which was affirmed/modified in *Writ Appeal No.42/2009* decided on *24.09.2012*.

Learned counsel for the respondents (alleged contemnors) states that all the dues has been cleared and there is no willful disobedience on the part of the respondents. Response has been filed on behalf of Mr.K Tonsing and Mr.William Marbaniang (present respondents/alleged contemnors).

Learned counsel for the petitioner admitted that the amount of gratuity and Contributory Provident Fund (for short "CPF") has been paid to the petitioner. However, it is submitted that leave encashment has not been paid. To this, learned counsel for the respondents pointed out that the direction to pay leave encashment was conditional in the order said to have been disobeyed as it was observed that leave encashment, if any, was to be paid. It is stated that no leave encashment was due to the petitioner.

In the above circumstances, since the amount of gratuity and CPF has been now paid to the writ petitioner, this Court is of the view that there is no willful disobedience on the part of the respondents.

Accordingly, this contempt petition is dismissed.

Notices issued to the respondents stand discharged.

JUDGE
(Hon'ble Mr. Justice S.R. Sen)

CHIEF JUSTICE

Lam
10.03.2014

ITA No.1/2013

10.03.2014

**HON'BLE THE CHIEF JUSTICE
and HON'BLE MR. JUSTICE S.R. SEN**

Adjourned at the request of Shri.R Jha, counsel for the appellant.
List on *11.04.2014* for hearing.

**JUDGE
(Hon'ble Mr. Justice S.R. Sen)**

CHIEF JUSTICE

Lam
10.03.2014

ITA No.2/2013

10.03.2014

HON'BLE THE CHIEF JUSTICE
and HON'BLE MR. JUSTICE S.R. SEN

Adjourned at the request of Shri.R Jha, counsel for the appellant.
List on *11.04.2014* for hearing.

JUDGE
(Hon'ble Mr. Justice S.R. Sen)

CHIEF JUSTICE

Lam
10.03.2014

MC (WA)No.345/2013
In WA No.44/2013

10.03.2014

HON'BLE THE CHIEF JUSTICE
and HON'BLE MR. JUSTICE S.R. SEN

List along with *WA No.44 of 2013* on *12.03.2014*.

JUDGE
(Hon'ble Mr. Justice S.R. Sen)

CHIEF JUSTICE

Lam
10.03.2014

MC (WA)No.401/2013
In WA No.48/2013

10.03.2014

**HON'BLE THE CHIEF JUSTICE
and HON'BLE MR. JUSTICE S.R. SEN**

List along with *WA No.48 of 2013* on *24.03.2014*.

**JUDGE
(Hon'ble Mr. Justice S.R. Sen)**

CHIEF JUSTICE

Lam
10.03.2014

MC (WA)No.428/2013
In WA No.52/2013

10.03.2014

**HON'BLE THE CHIEF JUSTICE
and HON'BLE MR. JUSTICE S.R. SEN**

In view of the interim order passed in Writ Appeal No.52/2013, this
Misc. Case No.428/2013 stands disposed of.

JUDGE
(Hon'ble Mr. Justice S.R. Sen)

CHIEF JUSTICE

Lam
10.03.2014

MC (WA)No.346/2013
In WA No.44/2013

10.03.2014

**HON'BLE THE CHIEF JUSTICE
and HON'BLE MR. JUSTICE S.R. SEN**

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

Shri.R Jha, Advocate, present for the respondent.

Heard.

By means of this application (*Misc. Case No.346/2013*), the applicants/writ appellants has sought condonation of delay of 138 days in filing the writ appeal against the judgment and order dated *13.05.2013* passed by the learned Single Judge in *WP(C)No.(SH)412/2010*.

The delay of 138 days has been sufficiently explained in the application supported by an affidavit of ***Lt. Col. K Rajasekar***.

Therefore, the delay condonation application is allowed.

Delay in filing the writ appeal is condoned. ***Misc. Case No.346/2013*** stands disposed of.

JUDGE
(Hon'ble Mr. Justice S.R. Sen)

CHIEF JUSTICE

Lam
10.03.2014

MC WP(C)No.310/2013
In WP(C) No.203/2013

10.03.2014

HON'BLE THE CHIEF JUSTICE
and HON'BLE MR. JUSTICE S.R. SEN

List along with *WP(C)No.203 of 2013* on *07.04.2014*.

JUDGE
(Hon'ble Mr. Justice S.R. Sen)

CHIEF JUSTICE

Lam
10.03.2014

MC WP(C)No.360/2013
In WP(C) No.203/2013

10.03.2014

HON'BLE THE CHIEF JUSTICE
and HON'BLE MR. JUSTICE S.R. SEN

List along with *WP(C)No.203 of 2013* on *07.04.2014*.

JUDGE
(Hon'ble Mr. Justice S.R. Sen)

CHIEF JUSTICE

Lam
10.03.2014

MC WP(C)No.282/2013
In WP(C) No.247/2013

10.03.2014

HON'BLE THE CHIEF JUSTICE
and HON'BLE MR. JUSTICE S.R. SEN

List along with *WP(C)No.247 of 2013* on *07.04.2014*.

JUDGE
(Hon'ble Mr. Justice S.R. Sen)

CHIEF JUSTICE

Lam
10.03.2014

Misc. Case No.1/2014
In PIL No.4/2013

10.03.2014

**HON'BLE THE CHIEF JUSTICE
and HON'BLE MR. JUSTICE S.R. SEN**

Shri. HS Thangkhiew, Senior Advocate, present for the applicants/respondents No.5 & 6.

Shri. GS Massar, Senior Advocate, present for the respondents No.1-4.

Shri. ND Chullai, Sr. Govt.Advocate, present for the respondents No.5-7.

Heard.

By means of this application, the applicants Shri. Jagadish Prasad Goenka and Shri. Kishan Kumar Goenka (*respondents No.5 & 6 in writ petition PIL No.4 of 2013*) have sought for extension of time to comply with this Court's order dated 09.12.2013.

Having heard learned counsel for the parties, further one month's time is allowed to comply with the order dated 09.12.2013, in letter and spirit without excuse, as directed by this Court.

Misc. case No.1 of 2014 stands disposed of.

JUDGE
(Hon'ble Mr. Justice S.R. Sen)

CHIEF JUSTICE

Lam
10.03.2014

PIL No.1/2011

10.03.2014

**HON'BLE THE CHIEF JUSTICE
and HON'BLE MR. JUSTICE S.R. SEN**

Mr. K Paul, Advocate, present for the petitioner.

Mr. ND Chullai, Sr. Govt. Advocate, present for the respondents
No.1-4.

Mr. R Deb Nath, Advocate, present for the respondent No.5.

Mr. H Kharmih, Advocate, present for the respondent No.6.

Learned counsel for the petitioner states that rejoinder affidavit to
the counter affidavit filed by the respondents No.2 & 3 is filed today in the
Registry.

List on *19.03.2014* for orders. Meanwhile, respondent No.5 is
allowed to file its counter affidavit.

**JUDGE
(Hon'ble Mr. Justice S.R. Sen)**

CHIEF JUSTICE

**Lam
10.03.2014**

PIL No.4/2013

10.03.2014

**HON'BLE THE CHIEF JUSTICE
and HON'BLE MR. JUSTICE S.R. SEN**

Shri. GS Massar, Senior Advocate/petitioner is present in person.

Shri. ND Chullai, Sr. Govt.Advocate, present for the respondents
No.1-3.

Shri. HS Thangkhiew, Senior Advocate, present for the No.4-6.

On behalf of respondents No.5 & 6, further time was sought for compliance of this Court's order dated 09.12.2013 on which one month's further time is allowed vide order dated 10.03.2014 passed in Misc. Case No.1 of 2014.

All construction activities by respondents No.5 & 6 except as directed by this Court vide order dated 09.12.2013 over the land adjoining to the High Court Building, are hereby stayed until further orders of this Court.

List this matter after one month.

**JUDGE
(Hon'ble Mr. Justice S.R. Sen)**

CHIEF JUSTICE

**Lam
10.03.2014**

Review Petn.No.1/2014
In WP(C) No.22/2011

10.03.2014

HON'BLE THE CHIEF JUSTICE
and HON'BLE MR. JUSTICE S.R. SEN

Shri. BK Deb Roy, Advocate, present for the petitioner.

Shri. P Nongbri, Advocate, present for the respondent No.3.

Learned counsel for the respondent No.3 prays for and is allowed to file objection/counter affidavit to the affidavit filed with the review application within a period of three weeks.

List after three weeks.

JUDGE
(Hon'ble Mr. Justice S.R. Sen)

CHIEF JUSTICE

Lam
10.03.2014

WA No.17/2013

10.03.2014

**HON'BLE THE CHIEF JUSTICE
and HON'BLE MR. JUSTICE S.R. SEN**

Adjourned at the request of Shri.SC Shyam, senior counsel for the respondents.

List on *12.03.2014* for hearing.

**JUDGE
(Hon'ble Mr. Justice S.R. Sen)**

CHIEF JUSTICE

Lam
10.03.2014

WA No.30/2013

10.03.2014

**HON'BLE THE CHIEF JUSTICE
and HON'BLE MR. JUSTICE S.R. SEN**

Adjourned at the request of Shri.SC Shyam, senior counsel for the appellants.

List on *12.03.2014* for hearing.

**JUDGE
(Hon'ble Mr. Justice S.R. Sen)**

CHIEF JUSTICE

Lam
10.03.2014

WA No.31/2013

10.03.2014

**HON'BLE THE CHIEF JUSTICE
and HON'BLE MR. JUSTICE S.R. SEN**

Adjourned at the request of Shri.SC Shyam, senior counsel for the appellants.

List on *12.03.2014* for hearing.

**JUDGE
(Hon'ble Mr. Justice S.R. Sen)**

CHIEF JUSTICE

Lam
10.03.2014

WA No.44/2013
In WP(C)No.412/2010

10.03.2014

**HON'BLE THE CHIEF JUSTICE
and HON'BLE MR. JUSTICE S.R. SEN**

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 *15.03.2013* passed in *WP(C)No.412/2010*, whereby learned Single Judge has disposed of the aforesaid writ petition in terms of the order dated *10.04.2013* passed in *WP(C)No.256/2012*.

It is told that Writ Appeal No.30 of 2013 is already admitted against the order dated *10.04.2013* passed in *WP(C)No.256/2012*.

In the above circumstances, it is directed that this writ appeal be admitted.

List this present writ appeal along with Writ Appeal No.30/2013 for hearing on *12.03.2014*.

JUDGE
(Hon'ble Mr. Justice S.R. Sen)

CHIEF JUSTICE

Lam
10.03.2014

WA No.48/2013
In WP(C)No.44/2012

10.03.2014

**HON'BLE THE CHIEF JUSTICE
and HON'BLE MR. JUSTICE S.R. SEN**

Adjourned at the request of Smti.NG Shylla, counsel for the
appellant.

List on *24.03.2014*.

JUDGE
(Hon'ble Mr. Justice S.R. Sen)

CHIEF JUSTICE

Lam
10.03.2014

WA No.52/2013
In WP(C)No.143/2012

10.03.2014

**HON'BLE THE CHIEF JUSTICE
and HON'BLE MR. JUSTICE S.R. SEN**

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

Mr. R Jha, Advocate, present for the respondent.

Heard.

This writ appeal is directed against the judgment and order dated *13.11.2013* passed in *WP(C)No.143/2012*, whereby learned Single Judge has quashed the order dated *17.12.2008* passed by the appellants, and the petitioner has been directed to be reinstated.

The delay in filing the appeal has already condoned vide order dated *03.02.2014* passed in Misc. Case No.429/2013.

Learned counsel for the appellants submitted that the learned Single Judge has erred in law in not considering the grounds disclosed by the writ appellants in the counter affidavit filed before the learned Single Judge, relating to the order of retirement passed against the writ petitioner.

Admit the writ appeal.

List this writ appeal for hearing on *02.04.2014*.

JUDGE
(Hon'ble Mr. Justice S.R. Sen)

CHIEF JUSTICE

Lam
10.03.2014

WP(C) No.203/2013

10.03.2014

**HON'BLE THE CHIEF JUSTICE
and HON'BLE MR. JUSTICE S.R. SEN**

Mr. ND Chullai, Sr. Govt. Advocate, present for the respondents
No.1 & 2.

MrS Dey, Advocate, present for the respondent No.3.

Mr. K Paul, Advocate, present for the respondent No.6.

Rejoinder affidavit has not been filed by the petitioner.

List this writ petition on *07.04.2014* for hearing along with the
connected matters.

**JUDGE
(Hon'ble Mr. Justice S.R. Sen)**

CHIEF JUSTICE

**Lam
10.03.2014**

WP(C) No.204/2013

10.03.2014

**HON'BLE THE CHIEF JUSTICE
and HON'BLE MR. JUSTICE S.R. SEN**

Mr. ND Chullai, Sr. Govt. Advocate, present for the respondents
No.1-5.

Rejoinder affidavit has not been filed by the petitioner.

List this writ petition on *07.04.2014* for hearing along with the
connected matters.

**JUDGE
(Hon'ble Mr. Justice S.R. Sen)**

CHIEF JUSTICE

Lam
10.03.2014

WP(C) No.247/2013

10.03.2014

**HON'BLE THE CHIEF JUSTICE
and HON'BLE MR. JUSTICE S.R. SEN**

Mr. VK Jindal, Senior Advocate, present for the petitioner.

Mr. ND Chullai, Sr. Govt. Advocate, present for the respondents

No.1-4.

MrS Dey, Advocate, present for the respondent No.5.

List this writ petition on *07.04.2014* for hearing along with the connected matters. Meanwhile, State respondents may file counter affidavit.

**JUDGE
(Hon'ble Mr. Justice S.R. Sen)**

CHIEF JUSTICE

**LAM
10.03.2014**

WP(C) No.264/2013

10.03.2014

**HON'BLE THE CHIEF JUSTICE
and HON'BLE MR. JUSTICE S.R. SEN**

Mr. ND Chullai, Sr. Govt. Advocate, present for the respondents
No.1 & 2.

MrS Dey, Advocate, present for the respondent No.3.

Mr. K Paul, Advocate, present for the respondent No.6.

Rejoinder affidavit has not been filed by the petitioner.

List this writ petition on *07.04.2014* for hearing along with the
connected matters. Meanwhile, State respondents may file counter affidavit.

**JUDGE
(Hon'ble Mr. Justice S.R. Sen)**

CHIEF JUSTICE

**Lam
10.03.2014**