

Caveat Petn No. 121 of 2014

12.06.2014

HON'BLE THE CHIEF JUSTICE

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

Since the caveators have been served, caveat petition stands discharged.

CHIEF JUSTICE

dev
12.06.14

THE HIGH COURT OF MEGHALAYA

Cont Case (C)No. 7 of 2014
IN WP(C) No. 263 of 2013

Shri Pawan Sharma of 29 Cantonment, Shillong
.....**Petitioner**

-Versus-

Shri RK Mathur, Secretary Defence, Sena Bhawan,
NewDelhi-110001.
..... **Respondent**

Shri R Sahu, Advocate, present for the petitioner.

Shri B Pathak, Advocate, present for the respondent.

Date of Order 12th June, 2014.

O R D E R

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

Heard.

2. By means of this contempt petition, the writ petitioner has complained disobedience of order dated 12.09.2013 passed in WP(C)No. (SH) 244 of 2012.

3. A response has been filed by the respondent RK Mathur, Defence Secretary, stating that the representations made by the petitioner have been disposed of by a reasoned order. It is further pleaded in the affidavit filed on behalf of

the respondent that there was no intentional delay in disposing of the representation.

4. In the above circumstances, this Court is of the view that there is no wilful disobedience on the part of the respondent in compliance of the order dated 12.09.2012 passed in WP(C)No.(SH) 244 of 2012.

5. Therefore, contempt petition is dismissed. Notices issued stand discharged.

(Prafulla C Pant)
CHIEF JUSTICE

dev
12.06.14

Crl Revn Petn No. 1 of 2014

12.06.2014

HON'BLE THE CHIEF JUSTICE

Ms R Dutta, Advocate, present for the petitioner.

Shri ND Chullai, Senior GA, present for the State respondents.

Heard.

Admit the criminal revision/petition.

List this criminal revision/petition filed under Section 482 CrPC for hearing in the week commencing 23.06.2014.

CHIEF JUSTICE

dev
12.06.14

MC No. 1 of 2014
IN Crl Revn Petn No. 1 of 2014

12.06.2014

HON'BLE THE CHIEF JUSTICE

List this Misc. Case along with Crl. Revn. Petn. No.
1 of 2014.

CHIEF JUSTICE

dev
12.06.14

MC No. 57 of 2013
IN WP(C) No. 29 of 2013

12.06.2014

HON'BLE THE CHIEF JUSTICE

List this Misc. Case along with WP(C)No. 29 of
2013.

CHIEF JUSTICE

dev
12.06.14

MC No. 164 of 2014
IN WP(C) No. 201 of 2014

12.06.2014

HON'BLE THE CHIEF JUSTICE

List this Misc. Case along with WP(C)No. 201 of
2014.

CHIEF JUSTICE

dev
12.06.14

MC No. 165 of 2014
IN WP(C) No. 202 of 2014

12.06.2014

HON'BLE THE CHIEF JUSTICE

List this Misc. Case along with WP(C)No. 202 of
2014.

CHIEF JUSTICE

dev
12.06.14

MC No. 166 of 2014
IN WP(C) No. 203 of 2014

12.06.2014

HON'BLE THE CHIEF JUSTICE

List this Misc. Case along with WP(C)No. 203 of
2014.

CHIEF JUSTICE

dev
12.06.14

MC No. 167 of 2014
IN WP(C) No. 204 of 2014

12.06.2014

HON'BLE THE CHIEF JUSTICE

List this Misc. Case along with WP(C)No. 204 of
2014.

CHIEF JUSTICE

dev
12.06.14

MC No. 227 of 2013
IN WP(C) No. 189 of 2013

12.06.2014

HON'BLE THE CHIEF JUSTICE

List this Misc. Case along with WP(C)No. 189 of
2013.

CHIEF JUSTICE

dev
12.06.14

MC No. 233 of 2013
IN WP(C) No. 196 of 2013

12.06.2014

HON'BLE THE CHIEF JUSTICE

List this Misc. Case along with WP(C)No. 196 of
2013.

CHIEF JUSTICE

dev
12.06.14

WP(C) No. 29 of 2013

12.06.2014

HON'BLE THE CHIEF JUSTICE

Shri J Lalsangliana, Advocate, present for the petitioners.

Shri S Dey, Advocate, present for respondents No. 1 to 4.

Shri SM Suna, Advocate, present for respondent No. 5.

Learned counsel for respondents No. 1 to 4 prays for and is allowed further four weeks' time to file counter affidavit.

List after four weeks. Meanwhile, the petitioners are allowed to file rejoinder affidavit to the counter affidavit filed on behalf of respondent No. 5.

CHIEF JUSTICE

dev
12.06.14

WP(C) No. 111 of 2013

12.06.2014

HON'BLE THE CHIEF JUSTICE

Ms K Chisa, Advocate, present for the petitioner.

Shri KP Bhattacharjee, Advocate, present for State respondents No. 1 and 2.

Shri S Sen, Advocate, present for respondents No. 3 & 5.

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

List after two weeks.

CHIEF JUSTICE

dev
12.06.14

WP(C) No. 147 of 2014

12.06.2014

HON'BLE THE CHIEF JUSTICE

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

Shri R Deb Nath, CGC, present for respondents.

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

List after four weeks.

CHIEF JUSTICE

dev
12.06.14

WP(C) No. 148 of 2014

12.06.2014

HON'BLE THE CHIEF JUSTICE

Shri S Chetia, Advocate, present for the petitioner.

Shri R Deb Nath, CGC, present for respondents No. 1 to 3.

Shri KP Bhattacharjee, GA, present for respondents No. 4 to 6.

Learned counsel for respondents No. 1 to 3 and learned counsel for respondents No. 4 to 6 pray for and are allowed further four weeks' time to file their counter affidavits.

List after four weeks.

CHIEF JUSTICE

dev
12.06.14

WP(C) No. 175 of 2014

12.06.2014

HON'BLE THE CHIEF JUSTICE

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

Ms NG Shylla, Advocate, present for respondents No. 2 and 3.

Learned counsel for the respondents No. 2 and 3 prays for and is allowed further four weeks' time to file counter affidavit.

List after four weeks.

CHIEF JUSTICE

dev
12.06.14

WP(C) No. 189 of 2013

12.06.2014

HON'BLE THE CHIEF JUSTICE

Ms SG Momin, Advocate, present for the petitioner.

Shri S Dey, Advocate, present for respondents No. 1
and 2.

Learned counsel for respondents No. 1 and 2 prays
for and is allowed further ten days time to file counter
affidavit.

List after ten days.

CHIEF JUSTICE

dev
12.06.14

WP(C) No. 196 of 2013

12.06.2014

HON'BLE THE CHIEF JUSTICE

Ms SG Momin, Advocate, present for the petitioner.

Shri S Dey, Advocate, present for respondents No. 1
and 2.

Learned counsel for respondents No. 1 and 2 prays
for and is allowed further ten days time to file counter
affidavit.

List after ten days.

CHIEF JUSTICE

dev
12.06.14

THE HIGH COURT OF MEGHALAYA

WP(C) No. 200 of 2014

Shri Sudhir Kumar Choudhury, son of Shri Harvir Singh Choudhury, CAS & IO, Head Quarter, Eastern Air Command, Indian Air Force, Shillong

.....**Petitioner**

-Versus-

1. Union of India, represented by the Secretary to the Govt. of India, Ministry of Defence, South Block, New Delhi-110001.

2. The Chief of Air Staff, Air Head Quarters (HQ), Vayu Bhavan, New Delhi-110011.

3. Air Officer Commanding-in-chief, South Western Air Command (SWAC), Indian Air Force (IAF), Pin-936176, C/o 56 APO.

4. Senior Officer Administration, HQ SWAC, IAF, Pin-936176, C/o 56 APO.

5. Wing Commander (Wg. Cdr.), ARN Sarma, Deputy Command Work Officer (Dy. C Wks O), HQSWAC, IAF, Pin-936176, C/o 56 APO.

6. Station Commander, Air Force Station, Cotton Green, Mumbai-400033.

7. Wing Commander, SB Singh, Officer-in-Charge, Married Accommodation, Air Force Station, Cotton Green, Mumbai-400033.

..... **Respondents**

Shri H Rahmman, Advocate, present for the petitioner.

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

Date of Order 12th June, 2014.

O R D E R**ORAL: HON'BLE PRAFULLA C. PANT, CHIEF JUSTICE**

Heard.

2. By means of this writ petition, the petitioner has sought writ in the nature of mandamus directing the respondents not to take action for eviction of the petitioner's family from the accommodation provided to him in Mumbai till the disposal of Original Application No. 15 of 2014, pending in the Court of Armed Forces Tribunal, Guwahati.

3. Brief facts of the case are that the petitioner who is working with the Eastern Air Command was transferred from Mumbai to Shillong in May, 2013. It is pleaded by him that because of his elder son's academic session, he requested for retention of his family's accommodation at Mumbai. The writ petitioner was allowed to retain the accommodation for the academic session. Thereafter, he appears to have moved another application for further extension of time on 09.04.2014 for further period of one year. Said application appears to be pending with the

Ministry of Defence, through Air Force Headquarters, New Delhi.

4. From the papers on record, it reveals that the writ petitioner filed Original Application No. 12 of 2014 before the Armed Forces Tribunal, Regional Bench, Guwahati, wherein, after hearing the parties, order dated 20.03.2014 was passed. Paragraph 4 of said order reads as under :

“ (4) After arguing for a while, learned counsel for the petitioner has agreed to take Temporary Married Quarter (TMQ) at Cottongreen. Therefore, we need not address issue raised herein. In light of the above, this application is disposed of with a direction to the respondents to provide the petitioner Temporary Married Quarter (TMQ) as stipulated in the Orders dated 08.11.2013 (Annexure-13) at Cottongreen, Mumbai within a period of six weeks from 31st March, 2014 i.e. within 15th May, 2014. The petitioner shall shift to the new accommodation on or before that time. It is made clear that in case the petitioner does not shift to the new accommodation, necessary eviction proceedings shall be initiated against him by the respondents.”

The above mentioned order clearly shows that the order was passed with the consent of the counsel for the parties. Now the plea of the petitioner is that he is not ready to occupy to the alternative Temporary Married

Quarter provided to him under the aforesaid order as the same is below the level to which the petitioner is entitled.
It is relevant to mention here that the order to which he is now not ready to abide was passed with the consent of the parties. The petitioner's further plea is that at present Armed Forces Tribunal, Guwahati is not functioning for the want of appointment of Member (Judicial). But Section 27 of Armed Forces Tribunal Act, 2007, provides remedy to the petitioner to approach the Chairperson for transfer of the case to some other Bench.

5. In the above circumstances, having considered the submissions of the learned counsel for the petitioner and learned counsel for the respondents, this Court does not find it to be a fit case in which interference is required by this Court under Article 226 of the Constitution of India.

6. Therefore, without prejudice to the rights of the parties in the lis pending before the Armed Forces Tribunal, the writ petition is dismissed summarily.

(Prafulla C Pant)
CHIEF JUSTICE

dev
12.06.14

WP(C) No. 201 of 2014

12.06.2014

HON'BLE THE CHIEF JUSTICE

Shri HS Thangkhiew, Senior Advocate, assisted by
Shri P Nongbri, Advocate, present for the petitioner.

Shri SC Shyam, Senior Advocate, present for
respondents.

By means of this writ petition, the writ petitioner
has challenged the order dated 09.06.2014 relating to his
relinquishment (compulsory retirement) from the service.

Learned counsel for the respondents prays for and
is allowed four weeks' time to file counter affidavit. The
respondents are directed to produce the service record of
the petitioner which made them to pass relinquishment
order.

List on 10.07.2014 for Admission/orders.

CHIEF JUSTICE

dev
12.06.14

WP(C) No. 202 of 2014

12.06.2014

HON'BLE THE CHIEF JUSTICE

Shri HS Thangkhiew, Senior Advocate, assisted by
Shri P Nongbri, Advocate, present for the petitioner.

Shri SC Shyam, Senior Advocate, present for
respondents.

By means of this writ petition, the writ petitioner
has challenged the order dated 09.06.2014 relating to his
relinquishment (compulsory retirement) from the service.

Learned counsel for the respondents prays for and
is allowed four weeks' time to file counter affidavit. The
respondents are directed to produce the service record of
the petitioner which made them to pass relinquishment
order.

List on 10.07.2014 for Admission/orders.

CHIEF JUSTICE

dev
12.06.14

WP(C) No. 203 of 2014

12.06.2014

HON'BLE THE CHIEF JUSTICE

Shri HS Thangkhiew, Senior Advocate, assisted by
Shri P Nongbri, Advocate, present for the petitioner.

Shri SC Shyam, Senior Advocate, present for
respondents.

By means of this writ petition, the writ petitioner
has challenged the order dated 09.06.2014 relating to his
relinquishment (compulsory retirement) from the service.

Learned counsel for the respondents prays for and
is allowed four weeks' time to file counter affidavit. The
respondents are directed to produce the service record of
the petitioner which made them to pass relinquishment
order.

List on 10.07.2014 for Admission/orders.

CHIEF JUSTICE

dev
12.06.14

WP(C) No. 204 of 2014

12.06.2014

HON'BLE THE CHIEF JUSTICE

Shri HS Thangkhiew, Senior Advocate, assisted by
Shri P Nongbri, Advocate, present for the petitioner.

Shri SC Shyam, Senior Advocate, present for
respondents.

By means of this writ petition, the writ petitioner
has challenged the order dated 09.06.2014 relating to his
relinquishment (compulsory retirement) from the service.

Learned counsel for the respondents prays for and
is allowed four weeks' time to file counter affidavit. The
respondents are directed to produce the service record of
the petitioner which made them to pass relinquishment
order.

List on 10.07.2014 for Admission/orders.

CHIEF JUSTICE

dev
12.06.14

WP(C) No. 214 of 2011

12.06.2014

HON'BLE THE CHIEF JUSTICE

Ms SG Momin, Advocate, present for the petitioner.

Shri S Dey, Advocate, present for respondents No. 1 and 2.

Shri AH Hazarika, Advocate, present for respondent No. 3.

Learned counsel for respondents No. 1 and 2 states that counter affidavit is being filed today in the Registry, copy of which is already given to the counsel for the petitioner.

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

List after two weeks.

CHIEF JUSTICE

dev
12.06.14

WP(C) No. 221 of 2013

12.06.2014

HON'BLE THE CHIEF JUSTICE

Shri R Sahu, Advocate, present for the petitioners.

Shri S Dey, Advocate, present for respondents No. 1 to 3.

Respondents No. 4 to 6 are treated sufficiently served with the notices sent by Registered Post.

Learned counsel for respondents No. 1 to 3 prays for further three weeks' time to file counter affidavit.

List after three weeks.

CHIEF JUSTICE

dev
12.06.14

WP(C) No. 235 of 2013

12.06.2014

HON'BLE THE CHIEF JUSTICE

Shri R Majaw, Advocate, present for the petitioner.

Shri S Dey, Advocate, present for respondents.

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

List after three weeks.

CHIEF JUSTICE

dev
12.06.14

WP(C) No. 236 of 2013

12.06.2014

HON'BLE THE CHIEF JUSTICE

Shri R Sahu, Advocate, present for the petitioners.

Shri S Dey, Advocate, present for respondents No. 1
to 3.

Respondents No. 4 and 5 are treated sufficiently
served with the notices sent by Registered Post.

Learned counsel for respondents No. 1 to 3 prays
for further three weeks' time to file counter affidavit.

List after three weeks.

CHIEF JUSTICE

dev
12.06.14

WP(C) No. 271 of 2013

12.06.2014

HON'BLE THE CHIEF JUSTICE

Shri R Gurung, Advocate, present for the petitioner.

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

Learned counsel for the petitioner prays for and is allowed further three weeks' time to file rejoinder affidavit to the counter affidavit filed on behalf of respondents No. 1 to 4.

List after three weeks.

CHIEF JUSTICE

dev
12.06.14

WP(C) No. 272 of 2013

12.06.2014

HON'BLE THE CHIEF JUSTICE

Shri R Gurung, Advocate, present for the petitioner.

Shri SP Mahanta, present for the respondents.

Learned counsel for the petitioner prays for and is allowed further one week's time to file rejoinder affidavit.

List after one week.

CHIEF JUSTICE

dev
12.06.14

WP(C) No. 333 of 2013

12.06.2014

HON'BLE THE CHIEF JUSTICE

Ms SG Momin, Advocate, present for the petitioner.

Shri S Dey, Advocate, present for respondents No. 1
and 2.

Learned counsel for respondents No. 1 and 2 prays
for and is allowed further ten days time to file counter
affidavit.

List after ten days.

CHIEF JUSTICE

dev
12.06.14

WP(C) No. 378 of 2013

12.06.2014

HON'BLE THE CHIEF JUSTICE

Shri R Majaw, Advocate, present for the petitioner.

Shri S Dey, Advocate, present for respondents.

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

List after three weeks.

CHIEF JUSTICE

dev
12.06.14