

**BEFORE
HON'BLE MR. JUSTICE T NANDAKUMAR SINGH,**

24.07.2015

Perused the order of the Apex Court dated 16.02.2015 passed in Civil Appeal No.1923 of 2015 filed by the present writ petitioner wherein and where-under, the Apex Court held that *"The proper course in our view would be to permit the competent authority concerned to pass an appropriate order on the subject having regard to the reply which the appellant has submitted or may submit and to communicate the same to the appellant. Upon such order being served upon the appellant the same shall not be given effect to for a period of two months from the date of such service. The appellant shall during this period be free to challenge the said order by a suitable amendment to the writ petition filed by him. The High Court would in that case hear and dispose of the challenge to the show cause as also the final order on merits in accordance with law. In the result this appeal succeeds, the order passed by the High Court is set aside, the matter remitted back to the High Court for a fresh hearing and disposal in accordance with law keeping in view the observations made hereinabove. We make it clear that we have not expressed any opinion on the merits of the show cause notice or of any order that may be passed by the competent authority. No costs."*

Mr. R Jha, learned counsel for the petitioner submits that the petitioner had submitted the show cause reply to the show cause notice in question dated 17.03.2012 in the present writ petition. Mr. N Mozika, learned CGC appearing for the respondents submits at the Bar that the respondent authorities are in the process of considering the show cause reply of the petitioner. It is the submission of Mr. R Jha, learned counsel for the petitioner that any action taken by the respondents in response to the show cause reply submitted by the petitioner should be in compliance with the principal of natural justice. It is the submission of Mr. N Mozika, learned CGC appearing for the respondents that under the show cause notice dated 17.03.2012, the petitioner was only permitted to file show cause reply. The principle of natural justice has many facets including the personal hearing of the employee to whom the show cause notice had been issued, if necessary.

Mr. R Jha, learned counsel for the petitioner contended that taking into consideration of the peculiar nature of this case, the petitioner

should have an opportunity of personal hearing by the competent authority before passing any order. Such being the situation, this Court is of the considered view that the respondent authorities shall give an opportunity of personal hearing to the petitioner. As directed by the Apex Court in the order dated 16.02.2015, the competent authority may pass the appropriate order after considering the show cause reply of the petitioner. Mr. N Mozika, learned CGC submits at the Bar that three weeks' time may be required for passing appropriate order. It goes without saying that as ordered by the Apex Court in the said order dated 16.02.2015 any order passed by the respondent authority shall not be operative for two months for the purpose mentioned in the said order of the Apex Court dated 16.02.2015.

List this case on 21.08.2015 for hearing.

JUDGE

LAM

CR (P) No.17/2014

BEFORE
HON'BLE MR. JUSTICE T NANDAKUMAR SINGH

24.07.2015

List this case before another Bench.

JUDGE

Lam

CR (P) No.27/2014

BEFORE
HON'BLE MR. JUSTICE T NANDAKUMAR SINGH

24.07.2015

As prayed for by the learned counsel for the petitioner, list this case on 27.07.2015.

JUDGE

LAM

CR (P) No.29/2014

BEFORE
HON'BLE MR. JUSTICE T NANDAKUMAR SINGH

24.07.2015

As prayed for by the learned counsel for the petitioner, list this case on 07.08.2015.

JUDGE

LAM

WP(C)No.14/2014

BEFORE
HON'BLE MR. JUSTICE T NANDAKUMAR SINGH

24.07.2015

Ms. M Devi, learned counsel submits at the Bar that Mr. KC Gautam, learned counsel for the petitioner is on leave and prayed for listing this case after two weeks.

Prayer is granted.

List this matter on 07.08.2015.

JUDGE

Lam

WP(C)No.26/2014

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

24.07.2015

Ms. N Gurung, learned counsel appearing on behalf of Mr. S Dey, learned counsel for the respondents No. 2 & 3 prays for further three weeks' time for production of the record as ordered by this Court.

Prayer is granted.

List this matter on 21.08.2015.

JUDGE

Lam

WP(C)No.36/2015

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

24.07.2015

Mr. P Nongbri, learned counsel for the petitioner prays for further two weeks' time for filing rejoinder affidavit to the affidavit-in-opposition filed by the respondents No.1-3.

Prayer is granted.

List this case on *21.08.2015*.

Interim order dated *12.03.2015* shall continue till the next returnable date.

JUDGE

LAM

WP(C)No.57/2014

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

24.07.2015

As prayed for by the learned counsel for the parties, list this case as a fixed item for hearing on 27.07.2015.

JUDGE

Lam