

Cont Cas.(C) No. 26 of 2012

30-6-2014

HON'BLE THE CHIEF JUSTICE

Adjourned at the request of Mr. BK Deb Roy, learned counsel for the petitioners.

List on Thursday (3-7-2014).

S.Rynjah

CHIEF JUSTICE

Cont.Cas(C) No. 22 of 2012

30-6-2014

HON'BLE THE CHIEF JUSTICE

Adjourned at the request of Ms. R. Paul, learned counsel
for the petitioner.

List on 29-7-2014 for hearing.

S.Rynjah

CHIEF JUSTICE

Cont.Cas(C) No. 8 of 2014

30-6-2014

HON'BLE THE CHIEF JUSTICE

Mr. S. Deka, Advocate, present for the petitioner.

Mr. R.Deb Nath, Advocate, present for the respondents.

In view of the order of the date passed in Misc. Case No. 4 of 2014, the impleadment may be made as directed in said order, whereafter, the notices shall be issued to the newly impleaded party inviting his response for which the petitioner shall take steps.

List after 4(four) weeks.

S.Rynjah

CHIEF JUSTICE

Cont.Cas(C) No. 11 of 2014

30-6-2014

HON'BLE THE CHIEF JUSTICE

Mr. R. Majaw, Advocate, present for the petitioner.

In this contempt petition, the writ petitioner has complained disobedience of this court's order dated 12-3-2014 passed in WP(C) No. 83 of 2012 whereby the representation of the petitioner was directed to be decided.

Issue notices to respondents who may file their response within a period of 4(four) weeks, as to the compliance of order dated 12-3-2014 in WP(C) No. 83 of 2012.

List after 4(four) weeks.

S.Rynjah

CHIEF JUSTICE

Cont.Cas(C) No. 24 of 2009

30-6-2014

HON'BLE THE CHIEF JUSTICE

In view of the order of the date passed in Misc. Case (COP) No. 3 of 2014, no further order need be passed in this contempt petition.

Accordingly, contempt petition No. 24 of 2009 stands disposed of. Notices stand discharged.

S.Rynjah

CHIEF JUSTICE

CRP No. 15 of 2014

30-6-2014

HON'BLE THE CHIEF JUSTICE

Mr. BK Deb Roy, Advocate, present for the revisionist.

Mr. B. Bhattacharjee, Advocate, present for the respondents.

Heard.

By means of this Civil Revision Petition filed under Rule 6 of High Court of Meghalaya (Jurisdiction over District Council Courts) Order, 2014 is directed against the judgment and order dated 26-3-2014 passed in Title Civil Appeal No. 1 of 2012 whereby the Lower Appellate Court has allowed the appeal on the ground that the trial court decreed the suit without substitution of legal representative of deceased (defendant No.1).

Learned counsel for the plaintiff/revisionist drew attention of this court to the provision contained in Order 22 Rule 6 of the Code of Civil Procedure, 1908, which provides that by reason of death of the party after hearing of the case (before judgment), the proceedings does not get stand abated.

Admit the revision.

Summon the lower court record.

List for hearing after 4(four) weeks.

CHIEF JUSTICE

S.Rynjah

CRP No. 19 of 2013

30-6-2014

HON'BLE THE CHIEF JUSTICE

Adjourned at the request of Mr. JMT Blah, Advocate,
present for the respondents.

List on 14-7-2014 for hearing.

S.Rynjah

CHIEF JUSTICE

THE HIGH COURT OF MEGHALAYA

MC[Cont(C)]No. 3 of 2014

in Cont.Cas(C) No. 24 of 2009

1. Union of India represented by the Secretary to the Government of India, Ministry of Home Affairs, North Block, New Delhi – 1.
2. The Director General Assam Rifles, HQ DGAR, Laitkor, Shillong, East Khasi Hills, Meghalaya.
3. The Chief Signal Officer, HQ DGAR, Shillong – 793010, Meghalaya.
4. The Commanding Officer, ARSU, Shillong.

...Applicants

-Versus-

1. No. 357798 Havildar/Cipher, Dushmant Kumar Raut of ARSU, Shillong.

...Respondent

Mr. SC Shyam, Sr. Advocate, Mr. B. Dev, Advocate, present for the applicants.

Mr. K. Sunar, Advocate, Ms. A. Sinha, Advocate, present for the respondent.

Date of Order 30th June, 2014.

ORDER

HON'BLE PRAFULLA. C.PANT, CHIEF JUSTICE

1. By means of this Miscellaneous Application moved on behalf of the Union of India and Director General, Assam Rifles, and others, compliance of judgment and order dated 30-3-2009 passed in WP(C) No. 200 (SH) 2008 (which was affirmed/modified vide order dated 24-5-2013

in WA No. 51/2011) has been submitted, and it is prayed that the same be taken on record in connection with contempt petition No. 24 of 2009.

2. Heard.
3. From perusal of the order dated 24-5-2013 passed in WA No. 51/2011, it is clear that the Division Bench has disposed of the writ appeal in terms of order dated 22-9-2011 passed by Gauhati High Court in WA No. 50 (SH)/2010. From the one page order of the Division Bench in WA No. 51/2011, it is not clear as to what was the direction given in the order dated 22-9-2011 passed in WA. No. 50 (SH) 2010. It is told that in said WA No. 50 (SH) 2010, direction was issued to the Union of India to give appropriate rank and pay scale to the petitioner of said case in the light of recommendation of 5th Central Pay Commission and Office Memorandum dated 22-1-1998.
4. In paragraph 10 of the affidavit filed with this miscellaneous case, it is stated that the petitioner has been upgraded from the post of Havildar (Cipher) to Warrant Officer (Cipher) retrospectively from 28-6-2003 in pre revised pay of ₹ 4000-100-6000/- (further revised scale of ₹ 5200-20200/- plus Grade Pay of ₹ 2800/- per month) with effect from 1-1-2006.
5. Learned counsel for the respondent submitted that the respondent (writ petitioner) is not satisfied with the compliance report as the petitioner is now entitled for promotion to the post of Sub-Inspector/Naib Subedar of technical trade class – I with effect from 26-8-2006. In reply to this, in the rejoinder affidavit filed on behalf of the present applicants (Union of India and others), it is denied that the petitioner is entitled to the promotion of Sub-Inspector/Naib Subedar technical trade Class-I with effect from 26-8-2006. It is further stated in the rejoinder affidavit that vide order dated 30-3-2009 passed in the writ petition, the writ petitioner was to be given benefit of rank structure as per recommendation of 5th Central Pay Commission and OM No. 22-1-1998 including the benefit

of ACP. It is further stated that vide Office Memorandum dated 22-1-1998, Head Constable (HC) (RM) Grade – I and Grade – II were redesignated to the post of Warrant Officer equivalent to Asst. Sub-Inspector in the pre revised pay scale of ₹ 4000-6000/-. As such, the upgradation given to the petitioner to the rank of Warrant Officer in the pre revised pay scale of ₹4000-6000/- with effect from 28-6-2003 is correctly given.

6. In the above circumstances, having heard learned counsel for the parties, this court is of the view that the compliance report deserves to be accepted.
7. Accordingly, the compliance report is accepted. Misc. Case No. 3 of 2014 stands disposed of without prejudice to the rights of the petitioner for further promotion to the post of Sub-Inspector.

(Prafulla C.Pant)
CHIEF JUSTICE

S.Rynjah

MC[Cont(C)] No. 4 of 2014

30-6-2014

HON'BLE THE CHIEF JUSTICE

Mr. S. Deka, Advocate, present for the applicant.

Mr. R. Deb Nath, Advocate, present for the respondents.

By means of this application, the applicant/writ petitioner has sought impleadment of Mr. Ramakrishna Rana, Director General, Assam Rifles, Shillong in Contempt Petition (Civil) No. 8 of 2014.

Heard.

Learned counsel for the applicants submitted that after respondent No. 2, Mr. Pankaj Sachdeva, the then Director General, Assam Rifles, Shillong has retired, new incumbent has taken his place. As such, the impleadment of the new incumbent is required to be made in the contempt petition.

In the above circumstances, the impleadment application is allowed. Misc. Case No. 4 of 2014 stands disposed of.

S.Rynjah

CHIEF JUSTICE