

WP(C) No. 43 of 2013

30.10.2013

HON'BLE THE CHIEF JUSTICE

Shri K.Paul, Advocate present for the writ petitioner.

None appears for the respondents.

Heard.

By means of this writ petition under Article 226 of the Constitution of India, the writ petitioner has sought writ in the nature of mandamus directing the respondents to recall/withdraw the impugned letter No. NESAC/ADMIN/03/(Vol.VI)/2012, dated 29-01-2013 issued by the respondent No. 3 whereby the representation of the writ petitioner was rejected.

Brief facts of the case are that the petitioner was a casual labour who was engaged as Sweeper in the year 2002 in North Eastern Space Application Centre, Shillong. He appears to have been verbally engaged in 2002 and verbally disengaged in the year 2007. The writ petitioner earlier got his case referred before the Industrial-Tribunal-cum- Labour Court challenging termination of his services. The said Labour Court vide its order dated 12-11-2010 passed in Case No. 10 of 2008 declined the grant for relief. Thereafter, the CRP No. 21(SH) of 2011 was filed before this Court which was withdrawn. Lastly, the representation made by the petitioner before the Director, North Eastern Space Application Centre, Umiam, Meghalaya (respondent No.3) for compensation was rejected vide impugned order dated 29-01-2013 (Annexure-5 to the writ petition).

Learned counsel for the writ petitioner relied in the case of ***BSNL vrs Man Singh (2012) 1 SCC Case 558*** whereby the employer was directed to pay compensation to the daily wage workers in lieu of the reinstatement which was found unjustified. But in the present case, unlike the workmen of said case, the writ petitioner was not found to have worked for more than 240 days in a year nor was his retrenchment found illegal by the Labour Court. Rather from the paper on record, it appears that the present writ petitioner was a part time worker.

In the circumstances, this Court finds no reason to interfere in the matter as there appears no illegality in the impugned order dated 27-9-2012.

Therefore, the writ petition is dismissed summarily.

CHIEF JUSTICE

S.Rynjah

WP(C) No. 208 of 2013

30.10.2013

HON'BLE THE CHIEF JUSTICE

Ms. M.Mahanta, Advocate present for the writ petitioner.

Ms. P. Roy, Advocate on behalf of Mr. R. Deb Nath, Learned CGC present for the respondents.

Heard.

By means of this writ petition, the writ petitioner has challenged his discharge from service with Assam Rifles vide Discharge Certificate dated 7-7-2010.

Admit the appeal.

Counter affidavit has already been filed on behalf of the respondents. Same be taken on record.

Learned counsel for the petitioner prays for and is allowed 2(two) weeks' time to file rejoinder affidavit to the affidavit-in-opposition filed on behalf of the respondents.

List this case thereafter for final hearing.

CHIEF JUSTICE

S.Rynjah

WP(C) No. 218 of 2013

30.10.2013

HON'BLE THE CHIEF JUSTICE

Shri S.Deka, Advocate present for the writ petitioners.

Ms. P. Roy, Advocate on behalf of Mr. R. Deb Nath, Learned CGC present for the respondents.

Heard.

By means of this writ petition, the writ petitioner has sought mandamus directing the respondents to grant pay scale as per the recommendation of the Fifth Central Pay Commission and Office Memorandum dated 22-1-1998.

Counter affidavit has already been filed on behalf of the respondents.

Learned counsel for the writ petitioner prays for and is allowed 3(three) weeks' time to file rejoinder affidavit.

List this case after 3(three) weeks.

CHIEF JUSTICE

S.Rynjah

WP(C) No. 254 of 2013

30.10.2013

HON'BLE THE CHIEF JUSTICE

Ms. S.G.Momin, Advocate present for the writ petitioner.

Mr. S.Sen, Advocate present for the respondent-university.

Learned counsel for the respondent-university prays for and is allowed further 2(two) weeks' time to file counter affidavit.

List this case after 2(two) weeks.

CHIEF JUSTICE

S.Rynjah

WP(C) No. 309 of 2013

30.10.2013

HON'BLE THE CHIEF JUSTICE

Shri A.H.Hazarika, Advocate present for the writ petitioner.

Shri H.Kharmih, Govt. Advocate present for the respondents.

Heard.

By means of this writ petition, the writ petitioner has challenged the impugned order dated 31-10-2009 / 4-11-2009 passed by the Commandant, 1st Battalion Meghalaya Police Mawiong, Shillong whereby the writ petitioner was dismissed from service.

Admit the petition.

Learned counsel for the respondents prays for and is allowed 4(four) weeks' time to file counter affidavit. Necessary extra copies shall be supplied by the counsel for the writ petitioner to the counsel for the respondents.

List this case after 4(four) weeks.

CHIEF JUSTICE

S.Rynjah

WP(C) No. 310 of 2013

30.10.2013

HON'BLE THE CHIEF JUSTICE

Shri N.Khan, Advocate present for the writ petitioner.

Shri H.Kharmih, Govt. Advocate present for the respondents No. 1 to 3.

Learned counsel for the respondents No. 1 to 3 prays for and is allowed 4(four) weeks' time to file counter affidavit.

Issue notices to respondent No. 4 (Shri Alom Rahman) and respondent No. 5 (Shri Abubakkar Siddique), who may also file their counter affidavits within a period of 4(four) weeks from today. The petitioner is allowed to take steps by ordinary post as well as registered post for service of notices on the respondents No. 4 and 5.

List this case after 4(four) weeks.

CHIEF JUSTICE

S.Rynjah