

**MC(ARB.A) No. 3/2015**  
**with ARBA No. 1/2015**  
**MC (ARBA) No.4/2015**  
**ARBA No. 2/2015**

**BEFORE**  
**THE HON'BLE MR. JUSTICE UMA NATH SINGH,**  
**CHIEF JUSTICE**  
**THE HON'BLE MR JUSTICE T NANDAKUMAR SINGH**

**06.05.2015**

Mr. S.C Shyam, learned senior counsel, appears for the applicant.

Mr. HS Thangkhiew, learned senior counsel, assisted by Mr. P. Nongbri, learned counsel, represents the respondent.

List along with MAF No. 1/2012 tomorrow (07.05.2015).

**JUDGE**

**CHIEF JUSTICE**

*Sylvana*

**BEFORE**  
**THE HON'BLE MR. JUSTICE UMA NATH SINGH,**  
**CHIEF JUSTICE**  
**THE HON'BLE MR. JUSTICE S.R. SEN**

06.05.2015

Ms H Kristazi, learned counsel, appears for the appellants.

Mr H Darlong, learned counsel, represents the respondent.

Learned counsel for the respondent prays for and is granted two weeks' time on the ground that Mr R Jha, learned counsel on record, has not fully recovered from the accident he suffered in the past. Thus, the matter is adjourned for two weeks. List on 20.05.2015.

JUDGE

CHIEF JUSTICE

dev

**BEFORE**  
**THE HON'BLE MR. JUSTICE UMA NATH SINGH,**  
**CHIEF JUSTICE**  
**THE HON'BLE MR. JUSTICE S.R. SEN**

06.05.2015

Mr K Paul, learned counsel, appears for the appellant.

None appears for the respondents.

Issue fresh notice. Additionally, Dasti service is permitted. It  
be made returnable before the next date of hearing.

List on 20.06.2015.

JUDGE

CHIEF JUSTICE

dev

**BEFORE**  
**THE HON'BLE MR. JUSTICE UMA NATH SINGH,**  
**CHIEF JUSTICE**  
**THE HON'BLE MR. JUSTICE S.R. SEN**

06.05.2015

Mr K Paul, learned counsel, appears for the appellant.

Mr KS Kynjing, learned Advocate General, assisted by Mr S Sen Gupta, learned GA, represents the respondents.

Mr K Paul, learned counsel for the appellant states that despite his best efforts he could not lay hand on any judgment as to whether the Public Service Commission has any authority in the matter of extending the validity period of select list beyond one year. Normally, such issues are decided only at the end of State Government and notifications are issued in the name of the Governor. However, on the joint request, this matter is adjourned for two weeks. List on 21.05.2015.

JUDGE

CHIEF JUSTICE

dev

**BEFORE**  
**THE HON'BLE MR. JUSTICE UMA NATH SINGH,**  
**CHIEF JUSTICE**  
**THE HON'BLE MR. JUSTICE S.R. SEN**

06.05.2015

Mr K Paul, learned counsel, appears for the appellant.

Mr KS Kynjing, learned Advocate General, assisted by Mr S Sen Gupta, learned GA, represents the respondents.

Mr K Paul, learned counsel for the appellant states that despite his best efforts he could not lay hand on any judgment as to whether the Public Service Commission has any authority in the matter of extending the validity period of select list beyond one year. Normally, such issues are decided only at the end of State Government and notifications are issued in the name of the Governor. However, on the joint request, this matter is adjourned for two weeks. List on 21.05.2015.

JUDGE

CHIEF JUSTICE

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**BEFORE**  
**THE HON'BLE MR. JUSTICE UMA NATH SINGH,**  
**CHIEF JUSTICE**  
**THE HON'BLE MR. JUSTICE S.R. SEN**

06.05.2015

Ms H Kristazi, learned counsel, appears for the appellants.

Mr H Darlong, learned counsel, represents the respondent.

Learned counsel for the respondent prays for and is granted two weeks' time on the ground that Mr R Jha, learned counsel on record, has not fully recovered from the accident he suffered in the past. Thus, the matter is adjourned for two weeks. List on 20.05.2015.

JUDGE

CHIEF JUSTICE

dev

**BEFORE  
THE HON'BLE MR. JUSTICE UMA NATH SINGH,  
CHIEF JUSTICE  
THE HON'BLE MR JUSTICE T NANDAKUMAR SINGH**

**06.05.2015**

Mr. K. Paul, learned counsel, appears for the petitioner.

Mr. N.D. Chullai, learned senior GA, assisted by Mr. S.Sen Gupta, learned GA, represents respondents No. 1, 2 & 4.

Mr. S.P. Mahanta, learned senior counsel, represents respondent No. 3.

Mr. V.G.K. Kynta, learned senior counsel, is for respondents No. 25 and 28.

Mr. H.S. Thangkhiew, learned senior counsel, represents respondents No. 6, 10, 14, 15, 17, 18 and 22.

Mr. S. Chakravarty, learned counsel, is for respondents No. 7, 8, 11 and 19.

Mr. B.K. Das, learned counsel, is present for respondent No. 9.

Mr. MF Qureshi, learned counsel, is for respondents No. 5 and 13.

Mr. L. Lyngdoh, learned counsel, appears for respondent No. 24.

Mr. B. Bhattacharjee, learned counsel, represents respondents No. 23 and 26.

We have heard learned counsel for the parties. The committee constituted under the High Court's order to undertake sealing of high rise buildings with illegal construction has submitted its reports dated 30.04.2015. Learned counsel for the petitioner states that he has not been supplied a copy thereof, so is the case with learned counsel for the other side. The Registry is thus directed to supply copies of the reports to learned counsel for the petitioner as well as learned counsel appearing for the respondents. The soft copy of photographs as contained in the

C.D. shall not be provided to learned counsel for parties and this shall be retained only by the Registry. Learned counsel for the petitioner as well as learned counsel for the other side may file reply and/or objection to the report, if any.

List the matter on 20.05.2015.

**JUDGE**

**CHIEF JUSTICE**

*Sylvana*

**BEFORE**

**THE HON'BLE MR. JUSTICE UMA NATH SINGH,  
CHIEF JUSTICE  
THE HON'BLE MR JUSTICE T NANDAKUMAR SINGH**

**06.05.2015**

Mr. K.S. Kynjing, learned AG assisted by Mr. S.Sen Gupta, learned GA, appears for the appellant.

Mr. BK Deb Roy, learned counsel, represents the respondents No. 1 – 39.

Mr. R. Deb Nath, learned CGC, appears for proforma respondents.

We have heard learned counsel for parties and perused the pleadings of the appeal. This writ appeal has been filed by the State of Meghalaya. Vide order dated 29.04.2015, the appellant is supposed to implead the Deputy Commissioner, Kamrup as a party. Thus, Shri. K.S. Kynjing, learned AG, prays for and is granted 2 (two) weeks' time to do the needful.

List the matter on 20.05.2015.

**JUDGE**

**CHIEF JUSTICE**

*Sylvana*

**BEFORE  
THE HON'BLE MR. JUSTICE UMA NATH SINGH,  
CHIEF JUSTICE  
THE HON'BLE MR JUSTICE T NANDAKUMAR SINGH**

**06.05.2015**

Mr. R. Kar, learned counsel, appears for the appellants.

Mr. K. Paul, learned counsel, represents the respondents.

Shri. S. Dey, learned counsel for Garo Hills Autonomous District Council (GHADC), prays for and is granted 2 (two) weeks' time to produce the records as passed in the earlier order.

List the matter on 21.05.2015.

**JUDGE**

**CHIEF JUSTICE**

*Sylvana*

**BEFORE  
THE HON'BLE MR. JUSTICE UMA NATH SINGH,  
CHIEF JUSTICE  
THE HON'BLE MR JUSTICE T NANDAKUMAR SINGH**

**06.05.2015**

Mr. R. Kar, learned counsel, appears for the appellants.

Mr. K. Paul, learned counsel, represents the respondents.

Shri. S. Dey, learned counsel for Garo Hills Autonomous District Council (GHADC), prays for and is granted 2 (two) weeks' time to produce the records as passed in the earlier order.

List the matter on 21.05.2015.

**JUDGE**

**CHIEF JUSTICE**

*Sylvana*

**BEFORE  
THE HON'BLE MR. JUSTICE UMA NATH SINGH,  
CHIEF JUSTICE  
THE HON'BLE MR. JUSTICE S.R. SEN**

06.05.2015

Mr SS Dey, learned counsel, appears for the appellants.

Mr KS Kynjing, learned Advocate General, represents respondent No. 1.

Mr BB Narzary, learned counsel, represents respondents No. 2 and 3.

Learned counsel for the appellants states that the newly impleaded District Councils, namely, Garo Hills Autonomous District Council and Jaintia Hills Autonomous District Council are represented before this Court by Mr S Dey, and Mr P Nongbri, learned counsel. We are also informed that an interim order was passed way back on 27.03.2012 by the Shillong Bench of Gauhati High Court in the identical matter relating to the Khasi Hills Autonomous District Council which can also be extended to the instant writ petition. We have perused the order that is reproduced hereunder as :

**“ 27.03.2012.**

***Heard Mr SS Dey, learned counsel appearing for the applicants.***

***Issue notice returnable by 10.04.2012.***

***Mr ND Chullai, learned Sr. Govt. Advocate, Meghalaya, accepts notice on behalf of respondent No. 1 and Mr BB Narzary, learned Standing Counsel, KHADC accepts notice on behalf of respondent Nos. 2 and 3.***

***Extra copies of the application shall be furnished to the learned counsel appearing for the respondents by tomorrow (28.3.2012).***

**Heard learned counsel appearing for the parties on the interim prayer. Also perused the materials available on record.**

**Considering the matter in its entirety and the averments made in the writ petition as well as miscellaneous application, till the returnable date, respondent Nos. 2 and 3 are hereby directed not to pay any pension to any ex-member of Khasi Hills Autonomous District Council under the impugned Khasi Hills Autonomous District Council (Member's Pension) Act, 2002 without and beyond specific budgetary allocation for the said account and purpose."**

Thus, we direct that the aforesaid order shall also apply in the case of Garo Hills Autonomous District Council and Jaintia Hills Autonomous District Council. We also issue notice to the Principal Secretary to the Governor of Meghalaya and the Accountant General, Shillong, information about the procedure and rules being followed in auditing the funds of the District Councils and Regional Councils in terms of the provisions of para 7 of the Sixth Schedule to the Constitution of India.

List on 03.06.2015.

JUDGE

CHIEF JUSTICE

dev

**BEFORE**  
**THE HON'BLE MR. JUSTICE UMA NATH SINGH,**  
**CHIEF JUSTICE**  
**THE HON'BLE MR. JUSTICE S.R. SEN**

06.05.2015

Mr AK Bhattacharya, learned senior counsel, assisted by Mr D Bhattacharya, learned counsel, appears for the appellant.

Mr. N Kaushik, learned counsel, represents the respondent.

We have heard learned counsel for parties and perused the pleadings of writ appeal.

In view of cross-allegations of fraud against each other levelled by the parties in respect of the document/letter based whereupon the salary of the respondent was fixed in line with the recommendations of the Sixth Pay Commission, this matter can also be directed for registration of a criminal case against both the parties. However, looking to the fact that the dispute is essentially civil in nature, flexing of muscles in the court that a direction be given for the registration of criminal case can prove counter-productive for both of them. The Court has to strike a balance and hold the scale of justice firmly so that such temporary moments of emotional outbursts do not blur the vision for justice. Hence, list the matter on 30.06.2015 for arguments. Let a notice, about the next date of listing of the case i.e. 30.06.2015, be sent to the parties for information.

JUDGE

CHIEF JUSTICE

dev

**MC [WP(C)] No. 114/2014**  
**In WP(C) No. 134/2014**

**BEFORE**  
**THE HON'BLE MR. JUSTICE UMA NATH SINGH,**  
**CHIEF JUSTICE**  
**THE HON'BLE MR JUSTICE T NANDAKUMAR SINGH**

**06.05.2015**

Mr. V.K. Jindal, learned senior counsel, assisted by Ms. Q.B. Lamare, appears for the petitioner.

Mr. R. Deb Nath, learned CGC, represents the respondents.

In view of the order passed today in WP(C) No. 134/2014, this Misc. case also stands disposed of.

**JUDGE**

**CHIEF JUSTICE**

*Sylvana*

**MC [WP(C)] No. 115/2014**  
**In WP(C) No. 135/2014**

**BEFORE**  
**THE HON'BLE MR. JUSTICE UMA NATH SINGH,**  
**CHIEF JUSTICE**  
**THE HON'BLE MR JUSTICE T NANDAKUMAR SINGH**

**06.05.2015**

Mr. V.K. Jindal, learned senior counsel, assisted by Ms. Q.B. Lamare, appears for the petitioner.

Mr. R. Deb Nath, learned CGC, represents the respondents.

In view of the order passed today in WP(C) No. 135/2014, this Misc. case also stands disposed of.

**JUDGE**

**CHIEF JUSTICE**

*Sylvana*

**MC [WP(C)] No. 110/2014**  
**In WP(C) No. 130/2014**

**BEFORE**  
**THE HON'BLE MR. JUSTICE UMA NATH SINGH,**  
**CHIEF JUSTICE**  
**THE HON'BLE MR JUSTICE T NANDAKUMAR SINGH**

**06.05.2015**

Mr. V.K. Jindal, learned senior counsel, assisted by Ms. Q.B. Lamare appears for the petitioner.

Mr. R. Deb Nath, learned CGC, represents the respondents.

In view of the order passed today in WP(C) No. 130/2014, this Misc. case also stands disposed of.

**JUDGE**

**CHIEF JUSTICE**

*Sylvana*

**MC [WP(C)] No. 111/2014**  
**In WP(C) No. 131/2014**

**BEFORE**  
**THE HON'BLE MR. JUSTICE UMA NATH SINGH,**  
**CHIEF JUSTICE**  
**THE HON'BLE MR JUSTICE T NANDAKUMAR SINGH**

**06.05.2015**

Mr. V.K. Jindal, learned senior counsel, assisted by Ms. Q.B. Lamare, appears for the petitioner.

Mr. R. Deb Nath, learned CGC, represents the respondents.

In view of the order passed today in WP(C) No. 131/2014, this Misc. case also stands disposed of.

**JUDGE**

**CHIEF JUSTICE**

*Sylvana*

**MC [WP(C)] No. 116/2014**  
**In WP(C) No. 136/2014**

**BEFORE**  
**THE HON'BLE MR. JUSTICE UMA NATH SINGH,**  
**CHIEF JUSTICE**  
**THE HON'BLE MR JUSTICE T NANDAKUMAR SINGH**

**06.05.2015**

Mr. V.K. Jindal, learned senior counsel, assisted by Ms. Q.B. Lamare, appears for the petitioner.

Mr. R. Deb Nath, learned CGC, represents the respondents.

In view of the order passed today in WP(C) No. 136/2014, this Misc. case also stands disposed of.

**JUDGE**

**CHIEF JUSTICE**

*Sylvana*