BEFORE
HON'BLE MR. JUSTICE S.R. SEN
CONT.CAS(C) No. 1 of 2013

12.02.2014

Heard Mr. S.D. Upadhya, learned counsel appearing for and on behalf of the petitioner who submits that the instant petition was filed for non compliance of the judgment and order dated 29.06.2012 passed by a single Judge in WP(C) No. 133 of 2011 and WP(C) No. 147 of 2011.

The learned Sr. counsel, Mr. S.C. Shyam appearing for and on behalf of the contempt respondent submitted that they have complied with the order and drawn my attention to Annexure-R/1 annexed with affidavit-in-opposition.

I have perused the judgment and order dated 29.06.2012 wherein, in para 11 it is specifically stated that:

> ***"Considering the matter in its entirety, the order dated 12th May, 2011 issued by the Director General of Assam Rifles, vide Memo No. A/Pers/Risk/Hardship Allce/2011/02 is set aside. The respondent authorities are directed not to stop the payment of Special (Duty) Allowances until modification/amendment of the notification dated 16th April, 2009."***

I have also perused the notification issued dated 23rd August 2012 as Annexure-R/I wherein, it appears that the corrigendum issued and certain modifications has been done and which clarified as under:

> ***"The existing package of compensatory allowance in NE Region will also include Special Duty Allowance (SDA) as a part of existing package of compensatory allowance and hence SDA and Risk/Hardship Allowance cannot be paid simultaneously."***

On perusal of the judgment and order in question referred above, I find that the learned single Judge of the court has specifically directed the respondents' authorities not to stop the payment of Special (Duty) Allowances until

modification/amendment of the notification dated 16th April, 2009.

Since the corrigendum referred above has clarified and modified the Special Duty Allowance, I am of the opinion that there is no further scope to proceed with the contempt case.

Hence, the petition is dismissed and stands disposed of.

JUDGE

D. Nary

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
CRP. No. 23 of 2013

12.02.2014

Heard Mr. V.K. Jindal, learned Sr. counsel appearing for and on behalf of the petitioner who submits that the execution case was filed before the learned MACT, Shillong who has passed an order vide order dated 13.03.2013 in MAC. Ex. No. 4 (T) of 2007.

Notice was issued to the respondents. The respondent No. 1 had appeared through the learned State counsel, Mr. S. Sen Gupta.

It appears that the service report against the respondent No. 2 returned unserved with a note of the process server that Smti C. Dohling of Nongrimbah, Laitumkhrah, Shillong has already expired 2(two) years back and the report is dated 02.12.2013.

From the order dated 13.03.2013, it appears that the said order was passed after the death of the respondent No. 2 as service report says that the respondent No. 2 died 2(two) years back. Hence, I find that the order is in nullity as no execution order can be passed against a dead person. Hence, the said order is hereby set aside and return back to the Tribunal concerned for fresh order after hearing the parties and after necessary impleading.

Registry is directed to return back the Lower Court case record along with the copy of this order immediately.

The matter stands disposed of.

JUDGE

D. Nary

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
CRP. No. 38 of 2012

12.02.2014

Heard Mr. P. Yobin, learned counsel for the petitioner who submits that till now the post office could not confirmed about the service report and prays that another date may be fixed.

Prayer is allowed.

As soon as the service report is confirmed, the same has to be filed before this court supporting with an affidavit.

List this matter after 2(two) weeks.

JUDGE

D. Nary

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
CRP. No. 45 of 2013

12.02.2014

None has appeared for the parties.

List this matter after 3(three) weeks.

JUDGE

D. Nary

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
EL.PET. No. 1 of 2013

12.02.2014

Heard Ms. R. Paul, learned counsel for the petitioner who informed the court that the leading counsel, Mr. K. Paul has left for Delhi.

The Election Commission has produced the photo copy of the record pertaining to 22 Nongkrem (ST) Constituency.

The learned counsel for the respondent No. 1 Mr. J.M. Thangkhiew and learned counsel for the respondent No. 3 Mr. J.A. Dkhar are present.

List this matter after 4(four) weeks' for suggested issues.

JUDGE

D. Nary

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
MC(WP(C)) No. 73 of 2012

12.02.2014

In the light of the order passed in ***WP(C) No. 52 of 2012*** this instant Misc. Case stands disposed of.

JUDGE

D. Nary

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
WP(C) No. 52 of 2012
WITH MC(WP(C)) No. 73 of 2012

12.02.2014

Heard Mr. R. Jha, learned counsel for the petitioner.

Also heard Mr. S.C. Shyam, learned Sr. counsel appearing for and on behalf of the respondent.

It is an admitted fact by the parties that the matter related between the husband and wife pertaining to the maintenance. Therefore, in my view the writ petition does not lie and stands dismissed.

JUDGE

D. Nary

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
WP(C) No. 56 of 2013

12.02.2014

Heard Mr. S. Deka, learned counsel for the petitioner who prays that the matter may be taken up after 2(two) weeks.

The learned Sr. counsel for Union of India, Mr. S.C. Shyam is present.

Let WP(C) No. 218 of 2013 be listed along with this case as prayed for by the learned counsel, Mr. S. Deka.

List this matter after 2(two) weeks.

JUDGE

D. Nary

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
WP(C) No. 58 of 2013

12.02.2014

List this matter after 4(four) weeks' as Ms. R. Paul, learned counsel informed the court that the leading counsel, Mr. K. Paul has left for Delhi.

The learned Sr. counsel for Union of India, Mr. S.C. Shyam is present.

List this matter after 4(four) weeks.

JUDGE

D. Nary

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
WP(C) No. 75 of 2013

12.02.2014

None has appeared for the parties.

List this matter in the usual course of time.

JUDGE

D. Nary

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
WP(C) No. 144 of 2012

12.02.2014

Heard Mr. H.R. Nath, learned counsel appearing for and on behalf of the petitioner.

At the outset, Mr. A.H. Hazarika, learned counsel for the State submits that in WP(C) No. 144 of 2012 and WP(C) No. 146 of 2012 the affected parties has not been made a necessary party though, in two other cases i.e. WP(C) No. 145 of 2012 and WP(C) No. 147 of 2012 the affected parties had already been made a party.

After hearing the submissions advanced by the learned counsel, I am of the view that all the affected parties should be made a necessary party both in WP(C) No. 144 of 2012 and WP(C) No. 146 of 2012.

The petitioner's counsel to take necessary steps.

List this matter after 2(two) weeks for further orders.

JUDGE

D. Nary

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
WP(C) No. 157 of 2013

12.02.2014

Part heard.

List this matter on Monday as requested by the learned counsel for the petitioner as well as the learned State counsel, Mr. S. Sen Gupta.

JUDGE

D. Nary

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
WP(C) No. 214 of 2013

12.02.2014

None has appeared for and on behalf of the petitioner.

Ms. P. Roy, learned counsel informed the court that Mr. R. Debnath, learned CGC has gone to Jowai, and the matter may be fixed on some other time.

List this matter after 3(three) weeks.

JUDGE

D. Nary

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
WP(C) No. 222 of 2013

12.02.2014

Heard Mr. A.H. Hazarika, learned counsel for the petitioner as well as the learned State counsel, Mr. K.P. Bhattacharjee.

Mr. K.P. Bhattacharjee submits that he needs sometime to file the counter affidavit for and on behalf of the respondent No. 8.

Prayer is allowed.

Thereafter, petitioner's counsel will be at liberty to file the rejoinder affidavit.

List this matter after 2(two) weeks.

JUDGE

D. Nary

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
WP(C) No. 264 of 2010

12.02.2014

Heard Mr. S.C. Shyam, learned Sr. counsel who submits that he is not ready with the case, so the matter may be fixed on some other date.

The learned counsel for the petitioner, Mr. N. Mozika is present.

List this matter accordingly.

JUDGE

D. Nary

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
WP(C) No. 296 of 2012

12.02.2014

List this matter after 2(two) weeks' as informed by Ms. R. Paul, learned counsel that the leading counsel, Mr. K. Paul has left for Delhi.

Mr. K. Baruah, learned counsel for the respondent is present.

JUDGE

D. Nary

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
WP(C) No. 308 of 2012

12.02.2014

Heard Mr. R. Jha, learned counsel for the petitioner.

Also heard Mr. S.C. Shyam, learned Sr. counsel for the respondents who prays that he is not ready with the case.

List this matter in due course of time.

JUDGE

D. Nary

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
WP(C) No. 364 of 2012

12.02.2014

Heard Mr. A.K. Rakhum, learned counsel for respondents No. 4 and 5.

Also heard Mr. V.K. Jindal, learned Sr. counsel for respondents No. 6 to 9 and Mr. N. Mozika, learned counsel for respondents No. 2 and 3.

From charge sheet dated 30.12.2010 Annexure-I at page 11 annexed with affidavit-in-opposition by respondents No. 4 and 5 it is apparent and clear that the offence has committed within the jurisdiction of Mizoram and charge sheet is also addressed to the learned Special Judge (CBI) Aizawl, Mizoram.

Therefore, I am of the view that this court has no jurisdiction to entertain the matter after separation of the High Court.

The learned counsel for the petitioner is not present. However, the fact remains that the case has been filed before the court without jurisdiction; the matter is dismissed for want of jurisdiction. Parties are at liberty to approach appropriate forum.

The matter stands disposed of.

JUDGE

D. Nary