

Serial Nos.02 - 04
Supplementary List

HIGH COURT OF MEGHALAYA
AT SHILLONG

MC (WPC) No.12/2023 in
MC (WPC) No.15/2023
MC (WPC) No.13/2023 in
MC (WPC) No.16/2023
MC (WPC) No.14/2023 in
MC (WPC) No.17/2023

Date of Order: 21.02.2023

Gaya Prasad Vs. Union of India & ors

Coram:

Hon'ble Mr. Justice Sanjib Banerjee, Chief Justice
Hon'ble Mr. Justice W. Diengdoh, Judge

Appearance:

For the Applicant

: In-person

For the Respondents

: Dr. N. Mozika, DSG with
Ms. A. Pradhan, Adv

- i) Whether approved for reporting in Law journals etc.: Yes/No
- ii) Whether approved for publication in press: Yes/No

The grievance of the petitioner is that three writ petitions, WP (C) No.69 of 2019, WP (C) No.70 of 2019 and WP (C) No.71 of 2019 were dismissed for default by an order dated March 18, 2021 when the petitioner had been transferred to Delhi and, in any event, the prevailing lockdown following the second surge of the pandemic prevented the petitioner from prosecuting his petitions.

The petitioner appears in person. The petitioner relies on an order passed on January 23, 2023 by the Supreme Court on a petition carried to that Court under Article 32 of the Constitution. In essence, the Supreme Court observed that the petitioner's applications for restoration of the three petitions should be considered in right earnest by this Court.

No court likes a matter to be dismissed without going into the merits thereof. As it is, citizens are reluctant to approach the court because of the notorious fact of the court's delay. Here was a case where a Central government employee had challenged orders passed by the Central Administrative Tribunal but could not stay back to conduct the case in view of his posting and the lockdown situation.

The Union is represented and refers to some serious allegations levelled against the court by the petitioner and, indeed, some harsh language used.

Surely, the petitioner cannot be taken to be serious while making the allegations and the court has to show a degree of disregard, particularly considering that they may be words made in desperation.

In the circumstances in which the petitioner could not proceed with the petitions, the delay in applying for restoration is condoned in view of the good grounds shown.

The orders dated March 18, 2021 by which the three several writ petitions were dismissed for default are recalled. The relevant writ petitions are restored to the board for immediate hearing.

The petitioner is invited to address the merits of the matter in the three writ petitions. However, since the petitioner seeks a month's accommodation, let the three matters appear four weeks hence. The petitioner is reminded that the petitioner need not physically appear before the court because any person can avail of the virtual mode of appearance. The petitioner will contact the Registry and get the details as to how to avail of the virtual mode of appearance.

MC (WPC) No.12 of 2023 in MC (WPC) No.15 of 2023, MC (WPC) No.13 of 2023 in MC (WPC) No. 16 of 2023 and MC (WPC) No.14 of 2023 in MC (WPC) No.17 of 2023 are disposed of. There will be no order as to costs.

List on March 21, 2023.

(W. Diengdoh)
Judge

(Sanjib Banerjee)
Chief Justice

Meghalaya
21.02.2023
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