

Serial No. 04
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP (C) No.70/2019 with
MC (WPC) No.42/2019
MC (WPC) No.74/2020
MC (WPC) No.198/2019

Date of Order: 21.03.2023

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 Petitioner : In-person

For the Respondents : Dr. N. Mozika, DSGI 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

JUDGMENT: (per the Hon'ble, the Chief Justice) (Oral)

This is another frivolous petition filed by a recalcitrant employee. The challenge herein is to an order dated December 20, 2016 passed on two petitions filed by this petitioner before the Central Administrative Tribunal, Calcutta Bench.

2. The Tribunal noticed in the first paragraph of the order dated December 20, 2016 that since both OA No. 399 of 2012 and OA No.672 of

2012 were “inter-linked”, both the petitions were being taken up to be disposed of by a common order. The Tribunal then set out the relief claimed in OA No.399 of 2012, noticed the articles of charge issued and appropriately perceived the prayer in the relevant petition to be the writ petitioner’s demand to change the inquiry officer. The Tribunal then proceeded to notice the relief claimed in OA No.672 of 2012 wherein an order dated October 11, 2011 was sought to be challenged. The relevant order of October 11, 2011 informed the writ petitioner that the payment of arrears for the period of suspension suffered by the writ petitioner would be decided on completion of the disciplinary proceedings against him and that the pay for the period of unauthorised absence was inadmissible. The writ petitioner claims that the Tribunal did not have the authority to take up two independent petitions in one go and pass a common order thereon.

3. No rocket science is necessary to discover the mischief resorted to by the petitioner. In a writ petition disposed of earlier today, this same writ petitioner had assailed an order of the CAT by which an order passed in disciplinary proceedings against him was quashed and he was required to face the disciplinary proceedings afresh. Indeed in such other matter, despite there being no stay of the relevant order passed by the Tribunal, merely because the order of the Tribunal was challenged before this Court,

the writ petitioner did not participate in the fresh disciplinary proceedings and has again suffered the same punishment. In the present case, the unauthorised absence of the writ petitioner led to a fresh departmental action being initiated against him. It is from the same proceedings that two sets of petitions were carried by the petitioner to the Tribunal: the first complaining of the inquiry officer who had been appointed and the second questioning a notice or an order of October 11, 2011 that was forwarded to him in connection with the same disciplinary proceedings.

4. Since both the petitions carried by the writ petitioner to the Tribunal pertained to the same disciplinary proceedings, the Tribunal was well within its right to take up both matters and pass a common order. No prejudice has been suffered by the writ petitioner by the order impugned herein. It is evident that the petitioner merely wants to drag the proceedings and has filed the present writ petition as he may have no answer to the charges levelled against him.

5. WP (C) No.70 of 2019 is dismissed as the same is without any basis. The writ petitioner will pay costs assessed at Rs.10,000/- to the employer.

6. The costs awarded will be payable to the employer within a month and, in default, the employer will be entitled to deduct such amount from any salary or other payment that may be due to the writ petitioner.

7. MC (WPC) No.42/2019, MC (WPC) No.74/2020 and MC (WPC) No.198/2019 are disposed of.

(W. Diengdoh)
Judge

(Sanjib Banerjee)
Chief Justice

Meghalaya
21.03.2023
"Lam DR-PS"

