

Serial No. 02
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

Review Pet. No. 3 of 2023 in
WP(C) No. 250 of 2020

Date of Decision: 18.05.2023

Shri Andrew Shabong & Ors. **Vs.** State of Meghalaya & Ors.

Coram:

Hon'ble Mr. Justice H. S. Thangkhiew, Judge

Appearance:

For the Petitioner(s) : Mr. Philemon Nongbri, Adv.

For the Respondent(s) : Mr. H. Abraham, GA

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

JUDGMENT AND ORDER (ORAL)

1. By way of this review application, seeking review of Judgment and Order dated 30.01.2023 passed in WP(C) No. 250 of 2020, Mr. Philemon Nongbri, the learned counsel for the petitioners

has submitted that there has been a suppression of material facts with regard the non-holding of the DPC, inasmuch as, at Para-7 of the affidavit filed in WP(C) No. 250 of 2020, it has been stated that the DPC could not be held in view of the fact that the Memorandum dated 06.03.1993 could not be traced due to a fire incident in the office, which contained directions that DPCs should be held on an annual basis.

2. The learned counsel further submits that now it has been revealed that the non-holding of the DPC was not to the reasons ascribed in the affidavit, but due to the fact that the respondents in a brief note which is undated, have stated that the DPC could not be held as the office was anticipating regularization of senior LDA staff, who had not yet been regularized by the Government. However, he submits by the DPC held on 11.12.2019, the writ petitioners were accorded promotion to the post of UDA.

3. Mr. H. Abraham, learned GA submits that there has been no suppression of material facts but it is only that the Memorandum was not available at that point of time, which was taken as a reason. He further submits that the document shown at Page-64 of the review application, only indicates that certain persons who were senior to the

writ petitioners, could not be considered for promotion as the matter was still with the concerned Department for regularization.

4. In this view of the matter, the only point in contention is to whether the writ petitioners have made out any ground for review of the order, for consideration of grant of retrospective promotion from the date they became eligible.

5. In the considered view of this Court, though there may be certain inconsistencies as to the reasons shown, the note appended at Annexure-5 which is undated, and the reasons shown therein not supported by any other material. Further the gradation list of LDA's clearly shows that the persons senior to the writ petitioners could were not considered for promotion along with the petitioners. As such, no sufficient grounds therefore have been made out for review.

6. For the reasons stated above, no case has been made out for review of the Judgment and Order dated 30.01.2023 and the same is accordingly dismissed.

7. No order as to costs.

JUDGE

Meghalaya
18.05.2023
"V. Lyndem-PS"