

Serial No.04
Supp. List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C). No. 7 of 2024

Date of Decision :04.04.2024

No.C/5013822L Havildar (Clerk),
Santosh Kumar Chauhan
Son of Mohan Lal Chauhan,
Resident of HQ DGAR, Law Branch,
Laitkor, Shillong,
East Khasi Hills District, Meghalaya.

.....Petitioner

- Vs-

1. The Union of India represented by the
Home Secretary/Secretary,
Ministry of Home Affairs,
Govt. of India, North Block,
New Delhi – 110001.
2. The Home Secretary,
Ministry of Home Affairs,
Govt. of India, North Block,
New Delhi – 110001.
3. The Director General Assam Rifles,
Directorate General Assam Rifles,
Laitkor, Shillong – 793 010.
4. The Brigadier (Personnel),
Directorate General Assam Rifles,
Laitkor, Shillong – 793 010,
Meghalaya.
5. The Colonel (Records),
Directorate General Assam Rifles,
Laitkor, Shillong – 793 010, Meghalaya.

6. The Chief Law Officer,
HQ DGAR
(Directorate General Assam Rifles),
Laitkor, Shillong – 793 010, Meghalaya.
7. The Deputy Chief Law Officer,
HQ DGAR
(Directorate General Assam Rifles),
Laitkor, Shillong – 793 010, Meghalaya.
8. The Head of the Office,
HQ DGAR
(Directorate General Assam Rifles),
Laitkor, Shillong – 793 010, Meghalaya.

...Respondents.

Coram:

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

Appearance:

For the Petitioner/Appellant(s) : Mr. S.Marpan, Adv.

For the Respondent(s) : Dr. N.Mozika, DSGI with
Ms. S.Rumthao, Adv.

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| i) | Whether approved for reporting in
Law journals etc: | Yes/No |
| ii) | Whether approved for publication
in press: | Yes/No |
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JUDGMENT AND ORDER (ORAL)

1. The instant writ petition has been filed praying for compassionate ground posting by the petitioner on account of his personal reasons, such

as, the constant care and attention of his old aged parents, and more importantly that he is pursuing his LLB course which is due to be completed in July, 2024.

2. This Court then, by order dated 16-02-2024, in consideration of the nature of the case, after hearing the parties on the limited prayer of the petitioner for a stay until he completed his LLB studies, had directed that status quo be maintained in the meantime with regard to the movement of the writ petitioner.

3. When the matter rested at that, on the last date, the learned DSGI had prayed before this Court that the post to which the writ petitioner was transferred to, was still lying vacant at 23 Sector Assam Rifles (Aizwal) which required to be urgently filled up, inasmuch as, the same could not be done in view of the interim orders of this Court. Learned DSGI sought leave of the Court to allow the respondents to cancel the posting order dated 23-08-2023, as far as it is related to the petitioner's posting from HQ DGAR to 23 Sector Assam Rifles (Aizwal). Further, leave was also sought in view of the fact that the writ petitioner was serving in the Law Branch of the Assam Rifles, as there might be a conflict of interest, to attach the petitioner to any other Assam Rifles establishment in Shillong.

4. Mr. S.Marpan, learned counsel for the petitioner has not objected to the prayer of the learned DSGI, but has only submitted that as the

petitioner is undergoing law studies and is to complete the same by July, 2024, his services would be more useful to the Assam Rifles if he is continued in the Law Branch.

5. Having heard learned counsel for the parties and considering the nature of the case, this writ petition is disposed of with the direction that leave as sought is granted to allow the respondents to cancel the posting order dated 23-08-2023, as far as the writ petitioner's posting from Law Branch HQ DGAR to 23 Sector Assam Rifles (Aizwal) is concerned, and also that till he completes his LLB studies in July 2024, to attach him to some other establishment in Shillong itself. Thereafter, it is open to the respondents to take further appropriate decisions with regard to the services of the writ petitioner.

6. Accordingly, with the above noted directions, this writ petition is closed and disposed of.

Judge

Meghalaya
04.04.2024
"Samantha PS"