



Serial No. 03
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C) No. 146 of 2024

Date of order: 09.09.2024

Ashok Kumar Roy

...Petitioner

- Versus -

1. The State of Meghalaya,
through the Commissioner and Secretary to the Government of
Meghalaya, Home Department, Shillong.
2. The Director,
Office of the Director of Higher and Technical Education,
Shillong.
3. Lady Keane College,
Shillong, East Khasi Hills District, Meghalaya.
4. The Principal,
Lady Keane College,
Shillong, East Khasi Hills District, Meghalaya.
5. The Secretary,
Governing Body of the Lady Keane College, Shillong,
East Khasi Hills District, Meghalaya

...Respondents

Coram:

Hon'ble Mr. Justice H.S. Thangkhiew, Chief Justice (Acting)

Appearance:

For the Petitioner : Mrs. R. Dutta, Adv.

For the Respondents : Mrs. T. Yangi B., AAG with
Mrs. I. Lyngwa, GA [For R1&2]
Mr. S. Sen, Adv. [For R 3-5]

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



in press:

(ORAL)

The writ petitioner, by way of the instant petition has prayed for recall and withdrawal of the suspension order dated 10.08.2026 as also the eviction notice dated 26.02.2024 issued by the respondent Nos. 3, 4 and 5.

2. It appears that the writ petitioner, who was appointed as a Lower Division Assistant (LDA) was placed under suspension as far back as in 09.06.2006, whereafter, a departmental inquiry had been instituted. As the allegations were of a criminal nature with regard to misappropriation and forgery, an FIR was also filed and cases were registered which are still pending before the court of the Judicial Magistrate First Class in GR Case No. 68 of 2007, which is reported is in the stage of evidence.

3. This Court notes and on the submission of the parties that though the disciplinary proceedings were initiated as far back as in 2006, the same is yet to be concluded or any orders passed thereon by the disciplinary authorities. Photocopy of the records have been produced today by learned counsel for the respondent Nos. 3, 4 and 5 which on perusal thereof, shows that an inquiry report had been submitted as far back as on 25.11.2006. However, after the said inquiry, no further action was taken by the respondent Nos. 3, 4 and 5 and it has



been submitted that due to the pendency of the criminal case, no action has been taken by the respondent Nos. 3, 4 and 5 against the petitioner.

4. Mr. S. Sen, learned counsel for the respondent Nos. 3, 4 and 5 on being queried by the Court as to the long delay, has prayed that three months' time be allowed to the respondent Nos. 3, 4 and 5 to conclude the proceedings, inasmuch as, the charges against the delinquent employees are of serious nature. He reiterates his submission that the delay was not deliberate but due to the criminal proceedings that are under way.

5. Mrs. R. Dutta, learned counsel for the petitioner submits that on the long inordinate and unexplained delay, the disciplinary proceedings are liable to be quashed forthwith and the petitioner be reinstated in service with all back wages. She further submits that even the inquiry that had been conducted was not in accordance with set procedure, inasmuch as, the writ petitioner was not afforded any opportunity to defend himself. Therefore, learned counsel prays that the disciplinary proceedings as also the eviction notice be quashed and that the petitioner be reinstated.

6. Having heard learned counsel for the parties and on perusal of the records produced by learned counsel for the respondent Nos. 3, 4 and 5, it seems that the charges against the writ petitioner amongst



others is for fraudulent encashment of cheques of the college funds from the Canara Bank extension counter. The records further show that the writ petitioner amongst the other employees stated to be involved, had been summoned and their statements had been recorded. The inquiry report dated 25.11.2006 was thereafter submitted to the authorities but the same has not seen the light of the day till date.

7. On these circumstances, and considering the nature of the infraction as alleged, as also the submission of the learned counsel for the petitioner that the inquiry was not as per the procedure, this Court at this stage directs the respondent Nos. 3, 4 and 5, to complete the said inquiry proceedings based on the inquiry report dated 25.11.2006 within a period of six weeks from today. It is also provided that any proposed action shall be communicated to the writ petitioner, who shall thereafter be afforded opportunity to represent against the same. This order has been passed on the circumstances of the case and the nature of the charges which have been drawn up against the writ petitioner and the other employees who have been similarly charged, and undergoing criminal trial.

8. It may be added herein that on the prayer of the non-payment of subsistence allowance, it has been submitted both by Mrs. T. Yangi, B., learned AAG and Mr. S. Sen, learned counsel for the respondent



Nos. 3, 4 and 5 that the release of the same is subject to the funds which are made available to the college. The respondents, however, are directed to ensure that there is no delay in the payment of the subsistence allowance to the petitioner while the matter is still under consideration.

9. With the above direction, writ petition stands disposed of.

Chief Justice (Acting)

