

HIGH COURT OF MEGHALAYA
AT SHILLONG

WA No.23/2024

Date of Order: 15.05.2024

Shri Shahajol Abedin

Shri Atiqul Islam

..... Appellants

Vs.

1. The State of Meghalaya represented by the Principal Secretary to the Govt. of Meghalaya, Community & Rural Development, East Khasi Hills District, Shillong, Meghalaya.
2. Under Secretary to the Govt. of Meghalaya, Community & Rural Development Department, East Khasi Hills District, Meghalaya.
3. The Mission Director, State Rural Employment Society, Sympli Building, Dhankheti, East Khasi Hills District, Shillong, Meghalaya.
4. The Project Director, DRDA, Selsella C&RD Block, West Garo Hills District, Meghalaya.
5. The Deputy Commissioner/District Programme Officer, MREGS, West Garo Hills District, Tura, Meghalaya.
6. The Block Development Officer/Programme Officer, MREGS, Selsella C&RD Block, Selsella, West Garo Hills District, Meghalaya.
7. The Sobribari VEC represented by its President under Selsella C&RD Block, PO-Sobribari, West Garo Hills District, Meghalaya.
8. Shri Azizur Rahman, Secretary of Sobribari VEC under Selsella C&RD Block, PO-Sobribari, West Garo Hills District, Meghalaya.

..... Respondents

Coram:

Hon'ble Mr. Justice S. Vaidyanathan, Chief Justice
Hon'ble Mr. Justice W. Diengdoh, Judge

Appearance

For the Appellants

: Mr. K. Paul, Sr.Adv with
Mrs. R. Dutta, Adv
Mr. S. Chanda, Adv

For the Respondents

: Mrs. N.G. Shylla, Sr.GA
Mr. S.K. Hassan, Adv for R/7&8

ORDER

(Made by the Hon'ble Chief Justice)

The present appeal has been filed against the order of the learned Single Judge dated 02.05.2024.

2. According to the writ petitioners/appellants, they sought for the following prayer in the writ petition:

“In the premises aforesaid, it is humbly prayed that Your Lordship may be pleased to admit this writ petition, issue rule and upon hearing the parties Your Lordship may be pleased to direct the respondent no.6 not to release the pending funds of the Sobribari VEC until the final disposal of the complaint dated 21-11-2022 and further may be pleased to direct the respondents to initiate an enquiry against the respondent no.6 as to why the funds of a total sum of Rs.35,06,110/- (Rupees thirty five lakhs six thousand one hundred & ten) only have been released on 22-11-2022, 02-04-2023, 04-04-2023 & 14-04-2023 despite of having the knowledge of the facts that the complaint dated 21-11-2022 is pending before the respondent no.6 for disposal.”

3. Learned senior counsel appearing for the appellants submitted that the relief sought for in the writ petition was to initiate enquiry against the 6th respondent in the writ petition and that enquiry has been completed, which was not challenged at all by the writ petitioners. According to the writ petitioners/appellants, even though the learned Single Judge was right in extracting the enquiry report dated 11.05.2023, rendering a finding on the enquiry report that there are no irregularities is not warranted. As long as the enquiry report is not

challenged, the findings would affect the appellants in case the said enquiry findings are challenged.

4. Learned counsel appearing for the respondent Nos.7 and 8 would submit that due opportunity has been given to the writ petitioners/appellants to participate in the enquiry and after the enquiry report, a final decision is yet to be taken.

5. Learned Sr.GA appearing for the State respondents submitted that all the parties have duly represented in the enquiry including the writ petitioners/appellants and findings have been rendered by means of an enquiry report on 11.05.2023. Learned Sr.GA further submitted that the learned Single Judge after going through the enquiry report came to the conclusion that there are no irregularities and that the writ petitioners are not entitled to any relief and that the writ petition has to be dismissed as frivolous.

6. Heard all the parties.

7. A bare reading of the prayer in the writ petition would make it very clear that the writ petitioners have sought a relief with regard to the conduction of enquiry and at no point of time, the enquiry findings are under challenge. The writ petitioners/appellants may or may not accept the findings of the enquiry report dated 11.05.2023 but however when the same is not under challenge holding that there are no irregularities is not required. As the relief sought for by the appellants

has become infructuous, we dismiss the writ petition modifying the order of the learned Single Judge in paragraphs 7 and 8 by giving liberty to the writ petitioners to challenge the enquiry report and the findings / order, if any, passed based on the enquiry report.

8. Writ Appeal is disposed of with the above terms.

(W. Diengdoh)
Judge

(S. Vaidyanathan)
Chief Justice

Meghalaya
15.05.2024
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