



Serial No. 17
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C) No. 484 of 2024

Date of Decision: 17.10.2025

Shri Rajiv A. Sangma,
S/o Shri H. Choudury,
R/o Tura Upper Chandmary,
P.O. and P.S. Tura West Garo Hills District, Meghalaya
... Petitioner(s)

Versus

1. State of Meghalaya represented by
The Commissioner & Secretary Home Department, Shillong.
2. The Director General of Police,
Shillong, Meghalaya.
3. Inspector General of Police, (IGP),
Eastern Range, Shillong, Meghalaya
4. Deputy Inspector General of Police,
Eastern Range, Meghalaya, Shillong.
5. The Superintendent of Police,
West Jaintia Hills District, Jowai.
... Respondent(s)

Coram:

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

Appearance:

For the Petitioner(s) : Ms. A. Rani, Adv.
For the Respondent(s) : Mr. N.D. Chullai, AAG with
Mr. E.R. Chyne, GA



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. The writ petitioner being aggrieved with his removal from service by the respondents is before this Court assailing the same on the ground that the punishment is disproportionate and also that his unauthorized absence was caused by compelling reasons.

2. The brief facts are that the petitioner who was a Sub-Inspector of Police was appointed on 23.10.1999. On his absence from duty which he attributes to his illness, Disciplinary proceedings had been initiated by the respondents who issued show cause notices charging the petitioner with gross negligence of duty and insubordination by failing to comply with the orders of the Senior Officers in connection with the Investigation of cases, which were pending with him at that time. The petitioner to the second show cause notice dated 15.01.2013, had filed his explanation after which the Disciplinary proceedings were drawn up against him. The proceedings culminated in the petitioner's dismissal from service with immediate effect from 04.02.2014 and the periods of



unauthorized absence from 04.04.2012 to 06.06.2012 and 22.06.2012 to 30.01.2014 amounting to a total of 645 days was treated as leave without pay. The petitioner had then preferred a statutory appeal and the appellate authority by order dated 23.10.2024, dismissed the appeal on finding the same to be devoid of merit. Hence the writ petition.

3. Ms. A. Rani, learned counsel for the petitioner has submitted that even if for the sake of arguments, it is presumed that the dismissal of the petitioner was after due process and procedure as per law, the punishment inflicted upon the petitioner is extremely harsh and disproportionate to the alleged misconduct. It is further argued that the petitioner was not granted adequate opportunity to defend himself against the allegations and further the medical grounds that had been stated by the petitioner were not given due consideration. The statutory appeal filed by the petitioner she submits, was dismissed in a mechanical manner without even looking into the contentious issues pleaded therein. She therefore submits the impugned orders of dismissal being bad in law are liable to be interfered with by this Court and the quantum of punishment be reduced.

4. Mr. N.D. Chullai, learned AAG assisted by Mr. E.R. Chyne, learned GA for the respondents has submitted that the petitioner remained absent unauthorizedly, from 04.04.2012 to 06.06.2012 and



from 22.06.2012 to 30.01.2014, without any prior approval or intimation to the competent authority, which in itself amounts to grave misconduct in law enforcement agencies. The petitioner he submits, was served with a first show cause on 21.12.2012, and a second show cause notice dated 15.01.2013, asking him to explain his continued absence which the petitioner failed satisfactorily to do so and as such, the Disciplinary proceedings were drawn up which culminated in his dismissal on 01.02.2014. The learned AAG submits that even the statutory appeal was preferred after an unexplained delay of 10 years and as such was rightly rejected. In support of his submissions, the learned AAG has relied upon the judgment of this Court in the case of *Shri Amzad Khan vs. State of Meghalaya & Ors dated 13.04.2023* passed in *WP(C) No. 127 of 2021*, which he submits is on similar circumstances.

5. Having heard the learned counsel for the parties, it is noted that the counsel for the petitioner has not pressed or shown any material to show that the Disciplinary proceedings were conducted in an arbitrary manner, or that the established procedure had not been adhered to, or that there has been any violation of the principles of natural justice. In the final hearing, the learned counsel had only assailed the quantum of punishment as not being commensurate with the alleged misconduct.



6. The petitioner it is noted from the pleadings had absented himself without authorization and came to know of the Disciplinary proceedings only after notices had been issued in the newspapers. Further, though the petitioner had submitted his explanation on the excuse of medical ground, he could not substantiate or explain his long absence. This Court has also perused the medical certificates appended to the writ petition and notes that nowhere do these certificates support the contention of the writ petitioner or that the absence was caused due to medical reasons as he was found fit for duty.

7. The petitioner had been found to be guilty of unauthorized absence from 04.04.2012 to 06.06.2012 and from 22.06.2012 to 30.01.2014, a total of 645 days. This Court not sitting in appeal over the findings of the Disciplinary authority and taking into account the period of absence finds no grounds for re-examining the quantum of punishment.

8. Reference may be made to the case cited by the learned AAG, wherein at Para-9 thereof, this Court had held as follows: -

***“9. The petitioner being a member of the disciplined force, is infact, required to maintain higher standards of conduct. In this context, the decision of the Hon’ble Supreme Court, in the case of Union of India & Ors. vs. Datta Linga Toshatwad reported in (2005) 13 SCC 709 at Para-6, which is reproduced below, applies to the case of the petitioner.*”**



“6. One cannot ignore the large number of cases which come to this Court of members of uniformed forces remaining absent from duty without any reasonable explanation. Whenever action is taken, the usual plea taken is of having been ill or some such false pretext, and even fake or false medical certificates are produced in support of such a plea. We would not have taken a serious view of the matter had it not been a case of a constable belonging to CRPF remaining absent for an indefinite period. Even if we assume that the respondent was suffering from depression and was being treated as an outdoor patient, the medical certificate produced by him show that he was restored to normalcy on 4-4-1998 yet the respondent did not choose to report for duty. The order of dismissal was passed seven months later i.e. on 2-11-1998. This itself discloses the hollowness of the claim of the respondent regarding mental depression and imbalance which he claims to have suffered.”

9. In the circumstances therefore, no case is made out and the writ petition accordingly stands dismissed.

JUDGE

Meghalaya
17.10.2025
“V. Lyndem-PS”