



Serial No.28 & 29
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C). No. 371 of 2024

Date of Decision: 11.08.2026

Sri. Tyngshain Nongkhlaw
S/o Sri. Gilbert Marbaniang
R/o Mawkhan, 7 Mile
Pin – 793009.
P.S. : Nonglyer.
District : East Khasi Hills.

...Petitioner

-Versus-

1. State of Meghalaya, represented by
Secretary, Home Ministry,
Government of Meghalaya.
2. Commandant, 3rd Bn, M.L.P. at
Khliehtyrshi, P.O. & P.S. Jowai District,
West Jaintia Hills.

...Respondents

A N D

WP(C). No. 372 of 2024

Sri. Amit Marbaniang
S/o Sri. B.K.Thapa
R/o Mawlai Mawroh
Pin – 793008.
P.S. : Mawlai.
District : East Khasi Hills.

...Petitioner



-Versus-

1. State of Meghalaya, represented by
Secretary, Home Ministry,
Government of Meghalaya.
2. Commandant, 3rd Bn, M.L.P. at
Khliehtyrshi, P.O. & P.S. Jowai District,
West Jaintia Hills.

...Respondents

Coram:

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

Appearance:

For the Petitioner/Applicant(s) : Mr. P.K.Borah, Adv.

For the Respondent(s) : Mr. J.Thabah, 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 |
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JUDGMENT AND ORDER (ORAL)

1. These two writ petitions, being similar and identical in nature are being disposed of by this common judgment and order.

2. The petitioners, who were trainee recruits in the 3rd Battalion of the M.L.P. are before this Court praying for reinstatement into service and for payment of all backwages / allowances. The brief facts, it appears, is that



the two petitioners in both the writ petitions, were arrested in connection with Tura P.S. Case No. 58 (5) 07 under sections 307/326/34 IPC on 27-05-2007, whereafter both the petitioners were placed under suspension. From the materials available, it is seen that departmental proceedings were then drawn up against the petitioners, and by separate orders dated 28-08-2014, were removed from service with immediate effect.

3. Mr. P.K.Borah, learned counsel for the petitioners submits that the two writ petitioners, in the course of the suspension, were paid subsistence allowance upto February, 2008, and thereafter, though still in the Batallion while the departmental proceedings were on, till the date of removal from service, were not paid the subsistence allowance. He further submits that certain other recruits who were also involved in the said incident, have since been reinstated and are in service. He therefore, prays that the respondents be directed to pay the outstanding subsistence allowance and reinstate the petitioners in service.

4. Mr. J.Thabah, learned counsel for the respondents State, has submitted that the writ petitioners were given adequate opportunity in the departmental proceedings, whereafter, they have been removed from service. With regard to payment of subsistence allowance, as far as the writ petitioner in WP(C). No. 371 of 2024 is concerned, it is submitted that all dues entitled during the suspension period w.e.f. January, 2009 to August ,



2009, and October 2009 to December 2009, and January 2010 to September 2010 had already been drawn by the said writ petitioner, and for the other periods, as the writ petitioner was found to be absent from the Battalion Headquarters w.e.f. 30-11-2010 to 28-08-2014, inspite of instructions to remain in the Battalion, the writ petitioner is not entitled to the said payments. With regard to the writ petitioner in WP(C). No. 372 of 2024, it is submitted that the situation was also the same. He therefore, submits that no case having been made out, the writ petitions deserve to be dismissed.

5. This Court, on hearing the learned counsel for the parties, firstly notes that the order of removal has not been subject to challenge by the writ petitioners. A perusal of the same however, would reflect that adequate opportunity had been afforded to the writ petitioners, who after due process, the orders of removal were passed. The writ petitioners, against this order also, did not prefer any statutory appeal, and as such, the question of any remedy at this stage as far as the orders of removal are concerned does not arise.

6. Further, this Court is not sitting in appeal over an order of removal, but is only to examine as to whether due process has been followed, but as the removal orders are not under challenge, will therefore only examine the aspect of the relief claimed in the writ petitions. The same, it is seen is limited only to the question of non-payment of subsistence allowance for



certain periods, when the petitioners were under suspension. As such, without interfering with the orders of removal, these writ petitions are disposed of with directions that the writ petitioners put in a representation with regard to the exact duration or dates on which they claim the subsistence allowance was not paid before the competent authority, who shall consider and dispose of the same by passing appropriate orders.

7. On the directions as given above, both the writ petitions are closed and disposed of.

Judge