Serial Nos.01 & 02
Supplementary List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP (C) No.64/2020 with
WP (C) No.65/2020

Date of Order: 27.02.2020

Union of India & ors Vs. Vijay Thapa

Union of India & ors Vs. Tshering L. Bhotiani

Coram:

Hon'ble Mr. Justice Mohammad Rafiq, Chief Justice
Hon'ble Mr. Justice W. Diengdoh, Judge

Appearance:

For the Petitioner/Appellant(s) : Dr. N Mozika, Sr.Adv with
Ms. SA Shallam, Adv

For the Respondent(s) : None

i) Whether approved for reporting in Law journals etc.: Yes/No

ii) Whether approved for publication in press: Yes/No

Per Mohammad Rafiq, 'CJ'

1. These two writ petitions have been filed against the interim orders dated 21.08.2019 and 18.10.2019 passed by the Central Administrative Tribunal, Guwahati Bench, Guwahati (for short 'the Tribunal') in Original Applications No.268 and 339 of 2019.

2. In the first writ petition [WP (C) No.64 of 2020] under challenge is the interim order dated 21.08.2019 passed by the Tribunal in Original Application No.268 of 2019, by which the transfer order of the respondent-Vijay Thapa (husband), who is working as Superintendent in Audit Circle Shillong to GST & Central Excise, Aizwal, vide order dated 14.08.2019, has been ordered to be kept in abeyance till the next date i.e., 24.09.2019.

3. In the second writ petition [WP (C) No.65 of 2020] under challenge is the interim order dated 18.10.2019 passed by the Tribunal in Original Application No.339 of 2019, whereby transfer order of the

respondent-Smti. Tshering L. Bhotiani (wife), who is working as Superintendent in Customs (Prev.) Hqrs., Shillong to Customs Division, Aizawl vide order dated 16.10.2019, has also been stayed by the Tribunal.

4. Considering the grievance raised by the respondent (husband) in Original Application No.268 of 2019, that he has been transferred to much distant place whereas, as per the policy of the Department, both husband and wife, should be posted either at the same place or nearby, the petitioner-department vide order dated 16.10.2019 also transferred respondent (wife) to Aizwal from Shillong so that both of them would be stationed at the same place. But the respondent (wife) approached the Tribunal against the aforesaid order. The Tribunal vide order dated 18.10.2019 stayed her transfer order as well.

5. Dr. N Mozika, learned Senior Counsel appearing for the petitioner-department submitted that both the Original Applications are being listed before the Tribunal separately and the interim orders passed therein are being continued from date to date. Learned Senior Counsel submitted that even though the petitioner-department has filed the application for vacation of the interim orders but the Tribunal has also not decided such applications and the matters are getting adjourned. This has affecting the work of two offices. Learned Senior Counsel informed the Court that the Original Application filed earlier in point of time by the respondent (husband) is next listed before the Tribunal on 11.03.2020.

6. Prima facie we are satisfied that the grievance of the respondent (husband) in his Original Application that as per the policy of the Department of Personnel Training, he and his wife should be posted together, has been addressed to by the petitioner-department and thereafter the Tribunal ought to decide those matters finally, rather than keeping them pending and continuing the interim order on different dates.

7. Even then we do not want to dwell much on the merits of the case and deem it appropriate to direct the Tribunal to combine both the Original Applications and decide them together after hearing both the parties finally within one month from 11.03.2020 i.e. the next date fixed before it. The

interim orders passed in both Original Applications shall remain operative during such period of one month only.

8. Both the two writ petitions are disposed of with the above observations.

(W. Diengdoh)
Judge

(Mohammad Rafiq)
Chief Justice

Meghalaya
27.02.2020
"Lam AR-PS"

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HIGH COURT OF MEGHALAYA