Serial No.09
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

Cont.Cas(C). No. 23 of 2024 in
WP(C). No. 223 of 2023

Date of Decision : 03.10.2024

Shri. Kraibithson R. Sangma

…Petitioner

-Versus-

1. Shri. Swapnil Tembe, IAS, Director of Mass and Elementary Education, Shillong, Meghalaya.

2. Smti. Clarinda Marak, Sub-Divisional School Education Officer, Williamnagar East Garo Hills District, Meghalaya.

3. Shri. Calvin Harris Kharshiing, Pr. Accountant General (A & E), Meghalaya, Shillong.

…Respondents

Coram:

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

Appearance:

For the Petitioner/Applicant(s) : Mr. P.T.Sangma, Adv.

For the Respondent(s) : Mr. A.H.Kharwanlang, Addl.Sr.GA with
Ms. A.Thungwa, GA for R 1 & 2.
Mr. K.Kharmawphlang, Adv. with
Ms. E.B.Passah, Adv. for R 3.

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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. Mr. A.H.Kharwanlang, learned Addl. Sr. GA appearing for the respondents No. 1 & 2 has submitted that there is no willful disobedience of the order of this Court and to this effect, has placed reliance on the affidavit filed by the respondents No. 1, wherein at para VIII it has been given as follows:

> *"VIII. That it is submitted that there is no willful disobedience of the order of this Hon'ble Court as can be seen from the above submissions, wherein, the petitioner case is being placed before the competent authority for consideration which also required holding of test and qualification of the same. Since the person has retired as non teaching staff i.e. chowkidar which was neither advertised nor was subjected to proper selection. Moreover, the petitioner has retired from the service and therefore his case is not falling within rules. However, in the light of observations made by this Hon'ble Court, the detailed steps would be required to consider his case for regularization and payment of pension, if any. It is further submitted that there is no gross negligence, arbitrariness or malafide intent on part of the answering Respondent. Moreover, it may be stated that the services of the Petitioner is being considered for regularization but due to inter office*

communication considerable time has been consumed which has caused delay in the process of regularization of the Petitioner's services."

2. Mr. P.T.Sagnma, learned counsel for the petitioner also does not dispute the same.

3. As there is no willful violation of the order of this Court as the matter is under consideration, the contempt application is closed at this stage itself and stands disposed of.

Judge

Signature Not Verified
Digitally signed by SAMANTHA ANNA LIYA RYNJAH
Date: 2024.10.03 17:17:36 IST