

HIGH COURT OF MEGHALAYA
AT SHILLONG

WA. No. 16 of 2021

Date of Order :28.10.2021

State of Meghalaya & Ors.

Vs. Shri. Satya Narayan Roy.

Coram:

Hon'ble Mr. Justice Ranjit More, Chief Justice

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

Appearance:

For the Petitioner/Appellant(s) : Mr. A.Kumar, AG with
Mr. A.H.Kharwanlang, GA
Mr. S.Saraogi, GA.

For the Respondent(s) : Dr. N.Mozika, Sr. Adv. with
Ms. T.Sutnga, Adv.

Per R. More (CJ)

1. Heard.

2. The State Government being aggrieved by the judgment and order dated 06-04-2021, passed by the learned Single Judge of this Court in WP(C). No. 146/2015, has approached the Division Bench by way of the aforesaid appeal. By the impugned order, the respondent's dismissal was set aside and the State was directed to reinstate him with consequential financial benefits, albeit 50% of the same. The learned Single Judge further directed the competent authority to initiate fresh proceedings against the respondent from the stage of supply of documents. The respondent's dismissal was set aside by the learned Single Judge mainly on the ground that principles of natural justice were not followed in the departmental proceedings inasmuch as the respondent was not allowed to cross examine the witnesses.

3. Mr. A.Kumar, learned AG submitted that the said findings is factually wrong inasmuch as the respondent himself refused to cross examine the witnesses. To substantiate his submission, he relied on the endorsement of

the respondent below the statement of the witnesses. We prima facie find substance in the submission of learned AG.

4. We accordingly admit the appeal. **Hearing expedited.** During the pendency of the final disposal of this appeal, the impugned judgment and order shall remain stayed.

(H.S.Thangkhiew)
Judge

(R. More)
Chief Justice

Meghalaya
28.10.2021
"Samantha PS"

