

**HIGH COURT OF MEGHALAYA**  
**AT SHILLONG**

MC[WP(C)]. No. 27 of 2017

Date of Order : 25.04.2019

Deputy Inspector General(CISF) Vs. Shri. Johnny Dkhar

**Coram:**

**Hon'ble Mr. Justice Mohammad Yaqoob Mir, Chief Justice**

**Appearance:**

For the Petitioner/Appellant(s) : Mr. B.Chakraborty, CGC.

For the Respondent(s) : Mr. H.Bezbarua, Adv.

1. Respondents (Writ petitioners) seek clarification of the judgment passed in WP(C). No. 30 of 2013 dated 20-07-2015 titled Shri. Johnny Dkhar vrs. Union of India & Ors.

2. The writ petition was allowed, the order of removal of the writ petitioner from service has been set aside on the ground that enquiry was defective as the writ petitioner was not given sufficient opportunity to defend himself, on such basis the order of removal was opined to be highly illegal. While setting aside the order of removal, it has been opined as under,

“I hereby set aside the impugned orders dated 22-12-2011, 24-04-2012 and leave the respondent to take fresh enquiry if they so desire or to reinstate the petitioner.”

3. It is the submission of the learned counsel for the respondents (petitioners herein) that the writ petitioner has been reinstated and fresh enquiry has been initiated. The writ petitioner has objected to the enquiry on the ground that the respondents in terms of the judgment had either to take fresh enquiry or to reinstate the petitioner, whether that contention of the writ petition shall be tenable or not cannot be looked into in this application. Faced with that position, instant motion has been laid for clarification. The judgment has been passed by the

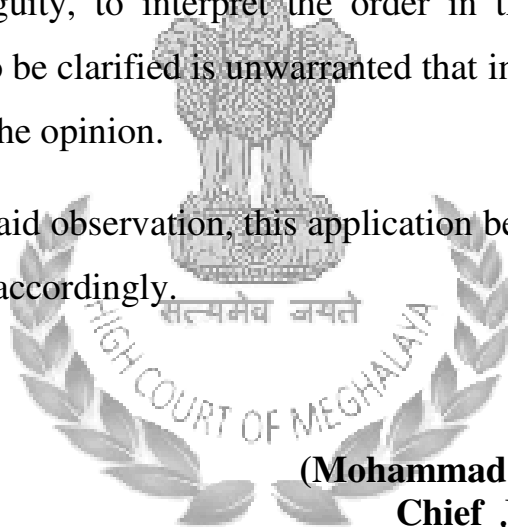
Hon'ble Justice S.R.Sen whose Lordship has demitted office on 8<sup>th</sup> March, 2019.

4. Question arises as to whether clarification sought for can be issued.

5. There is no quarrel on legal position that the orders are open to be clarified provided are couched in a language which gives rise to ambiguity, para 14 of the judgment leaves no scope to observe that there is ambiguity, order is clear in its terms what can be its impact cannot be looked into in an application for clarification. Respondents (petitioners) may have other remedies available which they can avail.

6. The submission of the learned counsel for the respondents (petitioners herein) that position can be clarified is not tenable when there is no ambiguity, to interpret the order in the manner learned counsel wants it to be clarified is unwarranted that in effect will amount to substitution of the opinion.

7. With aforesaid observation, this application being untenable shall stand disposed of accordingly.



**(Mohammad Yaqoob Mir)**  
**Chief Justice**

Meghalaya  
25.04.2019  
"S.Rynjah PS"