

Cont. Cas (C) No. 32 of 2018
In WP(C) No. 350 of 2018

Date of order: 28.02.2019

Shri Shohidur Islam Mondal Vs. Shri Jude Rangku T. Sangma

Coram:

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

Appearance:

For the Petitioner/Appellant(s) : Dr. A. Todi, Adv.
For the Respondent(s) : Mr. A.G. Momin, Adv.

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

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

Oral:-

1. Disobedience of the order dated 10.10.2018 passed in *WP(C) No. 350 of 2018* titled "*Shri Shohidur Islam Mondal vs. State of Meghalaya & Ors.*" is alleged, hence the instant motion for initiating contempt proceedings. The respondent BDO has filed an affidavit dated 26.02.2019 stating therein that on receiving the representation of the petitioner, he has made the payment through MIS for the materials amounting to Rs. 9,04,878/- on 06.10.2018 credited in the account of Bangalkhata (Muslim) Village Employment Council (VEC) of which the petitioner was the Secretary. It is further added that the respondent BDO was not aware of the judgment dated 10.10.2018. That apart, the representation of the petitioner no more survives after 06.10.2018 in view of payment made, photo-copy of the documents, in support of release of the amount have been placed on records.

2. The contention of learned counsel for the petitioner is that at the relevant time petitioner was the Secretary of the Bangalkhata (Muslim) Village Employment Council (VEC) now, the VEC is replaced by other members. His further contention is that the petitioner though Secretary but had invested money from his own pocket, therefore, is entitled to the amount as released. It is for the petitioner to represent before the VEC,

which is in place and to justify the release of amount in his favour, if at all he has invested the money from his own pocket.

3. The direction of the Court in terms of judgment dated 10.10.2018 was to accord consideration to the representation of the petitioner (Secretary as then was) which in effect, did not survive because the respondent BDO had worked out the amount and credited the same to the Bangalkhata (Muslim) Village Employment Council (VEC) on 06.10.2018. That being so, there is no question of disobedience of the judgment, as a result whereof, contempt proceedings are unwarranted which are accordingly closed. Closure of contempt proceedings will not preclude the petitioner from representing before the present VEC for release of money as credited to the Bangalkhata (Muslim) Village Employment Council (VEC), subject to his entitlement.

4. Disposed of as above.



(Mohammad Yaqoob Mir)
Chief Justice

Meghalaya
28.02.2019
"Sylvana PS"