
(2011) 09 GAU CK 0054
In the Gauhati High Court
Case No : Writ Appeal No.42 of 2011

Goodnight L. Syiemlieh

APPELLANT

Vs

Khasi Hills Autonomous District Council

RESPONDENT

Date of Decision : 01-09-2011

Acts Referred:

Khasi Hills Autonomous District (Nomination and Election of Syicm, Deputy Syicm and Headman of Langrin Syeimanship) Act, 2007 — Section 9, 9

Citation : (2013) 1 GLR 779

Hon'ble Judges : T.Nanda Kumar Singh, J and H.Baruah, J

Bench : Division Bench

Advocate : Mr. B. Bhattacharjee for the appellant.??Mr. K.N. Choudhury, Mr. B.B. Narang, Mr. M. Mahanta , Mr. J. Patowary for the respondent., Advocates appearing for Parties

Judgement

T.NK. Singh, J.—The unsuccessful writ petitioner filed this writ appeal against the judgment and order of the learned Single Judge dated 25.11.2010 dismissing the WP(C) No.340(SH)/2010 challenging the order of the Executive Committee of Khasi Hills Autonomous District Council ("KRADC") for placing the appellantrwrit petitioner, Mr. Goodnight Syiemlich, under suspension pending inquiry against him with immediate effect in exercise of power conferred upon it by section 7 of KHADC (Nomination and Election of the Syiem, Deputy Syiem and Headman of Langrin Syiemship) Act, 2007 ("the Act, 2007") and also notice of KHADC dated 30.9.2010 to all the inhabitants of Hima Langrin that by an order of the Executive Committee, KHADC dated 30.9.2010, appellantrwrit petitioner has been placed under suspension from his Syiemship of Hima Langrin and respondent No.5, Mr. Nangteisingh Syiemion, has been appointed as acting Syiem.

2. Heard Mr. B. Bhattacharjee, learned counsel for the appellantrwrit petitioner, Mr. K.N. Choudhury, learned senior counsel, Mr. B.B. Narang, Mr. Mahanta and Mr. J.P. Patwari, learned counsel for the respondents.

3. Since the SubjectMatter of the present writ petition, i.e., WP(C) No.

340(SH)/2010 is the suspension of Siyem and appointment of acting. Siyem it is required to have a quick glance of section 9 of the Act, 2007; and for convenience section 9 of the Act, 2007 is quoted hereunder :

"9. Appointment of Acting Syiem. (1) If at any time the office of a Syicm becomes vacant as a result of death, resignation, retirement due to old age, removal or suspension, the Executive Committee may by order in writing appoint any adult male belonging to the Syiemiong clan to Langrin Syiemship duly recommended by the Syicm clan (through the Syiem Seng) to function as an Acting Syicm who shall exercise all the powers and functions of the Syiem.

(2) No Acting Syiem shall be appointed without the recommendation of the Syiem clan through (the Syicm Seng).

(3) An Acting Syicm will remain in office until appointment of a, new Syiem or until further order of the Executive Committee whichever is earlier.

(4) Where there is a change of incumbent on account of subsection (1) above, there shall be proper taking and handing over charge of the office properties duly recorded in writing between the predecessor and the successor incumbents in the presence of reliable witnesses.

Any deliberate or willful violation of this provision shall be treated to be an act of criminal breach of trust and the incumbent is liable to be proceeded with accordingly. Further, such person shall henceforth not eligible to hold any post/office under this Act."

4. Sheet anchor of the appellantpetitioner's case and that of the respondents are briefly noted;

Pleaded case of the appellantwrit petitioner in the writ petition is that he was duly elected Syiem of Langril in the election held on 18.10.2000. In that election held on 18.10.2000 there were five candidates contesting the post of Syiem of Langril and petitioner, after having obtained the highest number of votes, was declared as successful candidate for the post of Syiem and result of the election was declared on 30.10.2000 and, accordingly, KHADC issued order for appointing the appellantpetitioner to the post of Syiem of Langril. The election of the appellantwrit petitioner to the post of Syiem of Langril was challenged by one Mr. Stalin Syiemiong by Election Case No.1 of 2000 and also by one Mr. Edward Syiemiong by Election Case No.2 of 2000. The Election Case No.1 of 2000 was disposed of on 16.6.2006 on the ground that the election petitioner had expired and Election Case No.2 of 2000, was also disposed of by an order dated 15.7.2003 on the ground that the election petitioner is not a candidate in the election and as such, has no locus standi to file election petition.

5. It is also pleaded case of the appellantpetitioner that in the year 1999 the Secretary of the Eleka objected inclusion of some voters bearing the title "Langrin Syiemlieh" in the voter list for election of Syiem of Hima Langrin prepared by the authorities of the District Council to the Returning Officer. The

Returning Officer vide his order dated 22.11.1999 rejected the said objection and held that Langrin Syicmlieh clan belonged to the Syiem clan of Langrin.

6. The respondent No. 5, Mr. Nangstei Sing Syiemiong, being dissatisfied with the said order dated 22.11.1999 instituted a suit before the Judge, District Council, KHADC, Shillong challenging the election of the appellantwrit petitioner to the post of Syeim of Langrin; and the said suit instituted by respondent No.5 was duly registered as T.S. No.6 of 2006; the same is still pending for disposal. Respondent No.5 at his best level tried to find ways and means to dislodge the appellantwrit petitioner from the post of Syiemship. Respondent No.5, in order to achieve his ulterior design of dislodging the appellantwrit petitioner from the post of Syiemship lodged number of complaints against the appellantwrit petitioner to the Executive Committee, KHADC. The Executive Committee KHADC vide order dated 11.10.2002 entertained the complaint filed by respondent No.5 and placed the appellantwrit petitioner under suspension with immediate effect. The charge for which the appellantwrit petitioner was placed under suspension was enquired into by an Inquiry Officer duly appointed by the Executive Committee and submitted the report that the charge leveled against the appellantwrit petitioner was without any basis. On the basis of the report of the Inquiry Officer, the appellantwrit petitioner was reinstated to the post of Syeim of Langrin vide order dated 16.2.2004.

7. Again, respondent No.5 along with few interested individuals submitted complaints on 20.10.2006 and 24.11.2006 before the Executive Committee KHADC. The Executive Committee entertained the complaint and vide order dated 30.11.2006 placed the appellantwrit petitioner under suspension. The Executive Committee, KIIA DC on 1.12.2006 appointed respondent No.5 as Acting Syiem of Langrin Syiemship to look after the administration of Syiemship. The Executive Committee, KHADC after having found that the charge leveled against the appellantwrit petitioner were not substantiated by material evidence, had passed order dated 4.3.2008 for reinstating the appellantwrit petitioner to the post of Syiem of Langrin. The respondent No.5 challenged the said order of the Executive Committee, KHADC dated 4.3.2008 by filing writ petition being WP(C) No.40(SH) of 2008. The respondent No.5, who has the evil design of dislodging the appellantwrit petitioner from the post of Syiem, in collusion with other interested members, lodged false complaint to the Executive Committee, KHADC against the appellantwrit petitioner. The Executive Committee, KHADC in complete violation of the Act, 2007 passed the impugned order dated 30.9.2010 for placing the appellantwrit petitioner under suspension and appointed respondent No.5 as Acting Syiem to look after the administration of Syiemship. In the year, 1990 the grandmother of respondent No.5, Smt. Tilosis Syiemiong and Smt. Khilinis Syuimiong of Langrin Syiemship claimed a large tract of the landed property situated within Langrim Syiemship. The appellantwrit petitioner and others on behalf of the Durbar of the Langrin Syiemship had filed a civil suit being Title Suit No.3 of 1990 for declaration land injunction against the grandmother of respondent No.5. However, some vested interested person

including respondent No.5 engineered suspension of appellantwrit petitioner from the post of Syiem in order to enable respondent No.5 to make a surreptitious deal to deprive the said track of land which belonged to the people of Elaka Langrin.

8. Within a span of ten years because of mala fide and malice action of respondent No.5 in collusion with other interested persons, the appellantwrit petitioner was placed under suspension for three times from the post of Syiem of Langrin. The respondent No.5 and other interested persons under the influence of respondent No.5 had filed a complaint petition dated 10.9.2010 against the appellantwrit petitioner before the Executive Committee, KHADC. The Executive Committee, KHADC vide impugned order dated 30.9.2010 entertained the complaint and decided to conduct inquiry and also further decided to place the appellantwrit petitioner under suspension and appoint respondent No.5 as the acting Syiem. As per the pleaded case of the appellantwrit petitioner, the grounds for assailing the impugned order dated 30.9.2010 are that impugned orders are issued arbitrarily by the Executive Committee, KHADC and the Executive Committee had acted mala fide in issuing the impugned order dated 30.9.2010 on the instigation and influence of respondent No.5 and appellantwrit petitioner also had apprehension that the inquiry for the alleged charge leveled against him is going to be delayed for a considerable period so as to allow respondent No.5 to act as acting Syiem for an indefinite period and respondent No.5 is influencing the Inquiry Officer appointed by the Executive Committee, KHADC and suspension of the appellantwrit petitioner and appointment of respondent No.5 as acting Syiem was done by the Executive Committee of KHADC with ulterior motive and on extraneous considerations.

9. It appears that even though there was no material pleading in the writ petition that the impugned order dated 30.9.2010 was issued in infraction of section 9 of the Act, 2007, learned counsel for the appellantwrit petitioner, in the course of hearing of the writ petition, asserted that there was no vacancy in the post of Syiem at the time of issuing the impugned order; and also, that there was no recommendation by the Syiem clan for appointing the respondent No.5 as acting Syiem.

10. Respondent Nos.1 to 4 filed a short affidavit by reserving their right to file detailed affidavit in WP(C) No.340(SH) of 2010. In their affidavit in opposition, vide para 3 categorically stated that six clan elders of Syiemiong clan of Langrin Syiemship, representing the Syiem clan had recommended to the Executive Committee, KHADC for appointment of respondent No.5, Shri Nangtei Singh Syiemiong as the Acting Syiem of Langrin, Langrin Syiemship in the event of suspension of the appellantwrit petitioner, Shri Goodnight Langrin Syiemlieh, the then Syiem of Langrin. The specific recommendation dated 10.9.2010 to this effect was signed and submitted by the six clan elders representing the Syiem clan before the Chief Executive Member, KHADC, Shillong and the same is a part of the records maintained by the office of the Executive Committee of the

KHADC. And in para 4 of the affidavit in opposition it is also stated that that apart, several complaints submitted against the then Syiem of Langrin Shri Goodnight Langrin Syiemlieh by several persons of Langrin Syiemship including Syiem Clan, Members of Langrin Syiemship also contained specific recommendation for appointment of respondent No.5, Shri Nangtei Singh Syiemiong as the Acting Syiem of Langrin Syiemship in the event of suspension of the Syiem. After filing the said affidavit in opposition by respondent Nos.1 to 4, the learned counsel for the appellantwrit petitioner without caring to file rejoinder affidavit of the appellantwrit petitioner asserted at the time of hearing of the writ petition that the said recommendation of the clan elders representing Syiem clan before the Chief Executive Member, KHADC, Shillong, is false and manufactured one.

11. In the course of hearing of WP(C) No. 340(SH) of 2010, it appears that importance of pleadings of writ petition and counter affidavit was sidelined. We may here recall that Apex Court (Constitution Bench) about five decades ago in *Municipal Corporation of the City of Jabalpur v. State of UP*, AIR 1966 SC 837 in clear, terms held that parties shall be strictly confined to their cases pleaded in the pleadings and if owing to discovery of new materials or ground there is need to add or modify the allegations and assertions in the pleadings, the court shall insist on formal amendment of the pleadings so as to enable each party to state its case.

12. The Apex Court in *Bharat Singh and Ors. v. State of Haryana and Ors.*, (1988) 4 SCC 534 had discussed the distinction between pleadings in the writ petition and the pleadings made under the CPC and held (in para 13 of the SCC) that :

"13.....Before us also, no particulars and no facts have been given in the special leave petitions or in the writ petitions or in any affidavit, but the point has been sought to be substantiated at the time of hearing by referring to certain facts stated in the said application by HSIDC. In our opinion, when a point which is ostensibly a point of law is required to be substantiated by facts, the party raising the point, if he is the writ petitioner, must plead and prove such facts by evidence which must appear from the writ petition and if he is the respondent, from the counteraffidavit. If the facts are not pleaded or the evidence in support of such facts is not annexed to the writ petition or to the counteraffidavit, as the case may be, the court will not entertain the point. In this context, it will not be out of place to point out that in this regard there is a distinction between a pleading under the Code of Civil Procedure and a writ petition or a counter affidavit. While in a pleading, that is, a plaint or a written statement, the facts and not evidence are required to be pleaded, in a writ petition or in the counter affidavit not only the facts but also the evidence in proof of such facts have to be pleaded and annexed to it....." (emphasis supplied)

13. The Apex Court also had considered the importance of pleadings in writ proceedings under article 226 of the Constitution of India in *Rani Laxmibai*

Kshetriya, Grainin Bank v. Chand Behari Kapoor and Ors., (1998) 7 SCC 469 and held that:

".....It is too well settled that the petitioner who approaches the court invoking the extraordinary jurisdiction of the court under Article 226 must fully aver and establish his rights flowing from the bundle of facts thereby requiring the respondent to indicate its stand either by denial or by positive assertions. But in the absence of any averments in the writ petition or even in the rejoinder affidavit, it is not permissible for a court to arrive at a conclusion on a factual position merely on the basis of submissions made in the course of hearing. The High Court, therefore, in our view committed serious error in coming to the conclusion that there existed vacancies in the post of Field Supervisor on the materials produced before it. In fact the respondents herein who were the petitioners in the High Court had not produced any material in support of their stand that vacancies existed and yet appointments have not been made. We are of the considered opinion that the conclusion of the High Court that there existed vacancies is unsustainable in law and is accordingly set aside." (emphasis supplied)

14. The appellant writ petitioner without filing additional affidavit/ rejoinder to the affidavit in opposition filed by respondent Nos.1, 2, 3 and 4 cannot ask for a roving inquiry if the said recommendation made by the six clan elders of Syicmiong clan of the Langrin Syiemship dated 10.9.2010 for appointing respondent No.5, as Acting Syiem is forged one, in a writ proceeding. The Apex Court in *dear terms in Guruvayoor Devaswom Managing Committee and Anr. v. C.K. Rajan and Ors.*, (2003) 7 SCO 546 held that :

"65. Where the access to justice poses a fundamental problem facing the third world today, its importance in India has increased. Laws are designed to improve socioeconomic conditions of the poor but making the law is not enough, it must be implemented. The core issues which have been highlighted by the learned counsel for the parties must be considered from that angle. Administration of a temple by entertaining complaints does not lead to a happy state of affairs. Roving enquiry is not contemplated. Principles of natural justice and fair play ought to be followed even in the pro bono publico proceedings. The courts, undoubtedly, would be a *parens patriae* in relation to idols, but when the statute governs the field and the State takes over the management, ordinarily the courts would not step in."

15. We have given our anxious considerations to the requirements provided under section 9 of the Act, 2007 for appointment of Acting Syiem, i.e., vacancy in the post of Syiem and recommendations by the Syiem clan by applying the well known principles of construction of statute or/interpretation of statute.

16. It is fairly settled law that when the Legislature has spoken. Judges cannot afford to be wiser and also when a procedure is prescribed by the Legislature, it is not for the court to substitute a different one according to its notion of justice.

Regarding this well settled law, we may refer to a decision of the Apex Court in *Shri Mandir Sita Ramji v. Governor of Delhi and Ors.*, AIR 1974 SC 1868. The Constitution Bench of the Apex Court in *Hukam Chand Shyam Lal v. Union of India and Ors.*, AIR 1976 SC 789 in clear term held that when a power is required to be exercised by a certain authority in a certain way, it should be exercised in that manner or not at all, and all other modes of performance are necessarily forbidden.

17. It is well settled interpretation/construction of the statute/rules that the words and phrases used by the Legislature shall be given their ordinary meaning and shall be construed according to the rules of Grammar when a language is plain and unambiguous and admits of one meaning, no question of construction of a statute arises for the Act speaks for itself. It is well recognized rule of construction that meaning must be collected from the expressed intention of the Legislature. Reference: ratio laid down by the Apex Court (Constitution Bench) in *State of Uttar Pradesh and Ors. v. Dr. Vijay Anand Maharaj*, AIR 1963 SC 946. Similar view is also expressed by the Apex Court in *Assessing AuthoritycumExcise and Taxation Officer, Gurgaon and Anr. v. East India Cotton Mfg. Co Ltd.*, (1981)3 SCC 531 wherein it has been held that a statute must be construed according to its plain language and neither should anything be added nor subtracted unless there are adequate grounds to justify the interference that the Legislature clearly so intended. Further, ordinarily when the language of a statutory provision is plain and unambiguous, there is no need to resort to the object and purpose of the enactment because in such case, the language best declares the intention of the law giver. It is equally acceptable construction of statute that if the words of statute are clear and free from vagueness and are, therefore, reasonable, acceptable such susceptible to one meaning, it must be construed by giving effect to that meaning, irrespective of the consequences. Para 8 of the SCC in *Nelson Moti v. Union of India*, (1992) 3 SCC 711 read as follows :

"8. The language of subrule (4) of rule 10 is absolutely clear and does not permit any artificial rule of interpretation to be applied. It is well established that if the words of a statute are clear and free from any vagueness and are, therefore, reasonable susceptible to only one meaning, it must be construed by giving effect to that meaning, irrespective of consequences. The language of the subrule here is precise and unambiguous and, therefore, has to be understood in the natural and ordinary sense. As was observed in innumerable cases in India and in England, the expression used in the statute alone declares the intent of the Legislature. In the words used by this court in *State of UP v. Dr. Vijay Anand Maharaj*, AIR 1963 SC 946 when the language is plain and unambiguous and admits of only one meaning, no question of construction of a statute arises, for the act speaks for itself. Reference was also made in the reported judgment to Maxwell stating:

"The construction must not, of course, be strained to include cases plainly

omitted from the natural meaning of the words."

18. It is well settled principles of interpretation that the court must proceed on the assumption that legislation did not make a mistake and that it did what it intended to do. The court must, therefore, as far as possible adopt a construction which will carry out the obvious intention of the legislation. Undoubtedly if there is a defect and an omission in the words used by the Legislature, the court would not go to its aid to correct or make up the deficiency. The court could not add words to a statute or read words into it which are not there, especially when the literal reading produces an intelligible result. The court cannot aid the Legislature's defective phrasing of an Act, or add and mend, and, by construction, make up deficiencies which are there. Regarding this settled law, reference may be made to the decision of the Apex Court in *Dadi Jaganannadham v. Jammulu Ramulu and Ors.*, (2001) 7 SCC 71 (para 13).

19. It is cardinal rule of construction that no word should be construed redundant or surplus in interpreting the provision of a statute or rule Ref: *Dinesh Chandra Sangma v. State of Assam and Ors.*, AIR 1978 SC 17. The Apex Court in *State of Maharashtra and Ors. v. Santosh Shanker Acharya*, (2000) 7 SCC 463 held that it is too well known principle of construction of statute that the Legislature engrafted every part of the statute for a purpose. The legislative intention is that every part of the statute should be given effect. Legislature is deemed not to waste its words or to say anything in vain and a construction which attributes redundancy to the Legislature will not be accepted except for compelling reasons. The Apex Court in *Bhavnagar University v. Palitana Sugar Mill (P.) Ltd. and Ors.*, (2003) 2 SCC 111 held that it is the basic principle of construction of statute that statutory enactment must ordinarily be construed according to their plain meaning and no words should be added, altered or modified unless it is plainly necessary to do so to prevent a provision from being absurd, unreasonable, unworkable or totally irreconcilable with the rest of the statute.

20. The court cannot sit in judgment over the wisdom of the representatives of the people. The scope of judicial review of the administrative action had been discussed and considered by the Apex Court in *State of A.P. and Ors. v. Mcdowel & Co. and Ors.*, (1996) 3 SCC 709 wherein the Apex Court held :

"Even in the case of administrative action, the scope of judicial review is limited to three grounds, viz., (i) unreasonableness, which can more appropriately be called irrationality, (ii) illegality and (iii) procedural impropriety. The applicability of doctrine of proportionality even in administrative law sphere is yet a debatable issue. It would be rather odd if an enactment were to be struck down by applying the said principle when its applicability even in administrative law sphere is not fully and finally settled. It is one thing to say that a restriction imposed upon a fundamental right can be struck down if it is disproportionate, excessive or unreasonable and quite another thing to say that court can strike down enactment if it thinks it unreasonable, unnecessary or unwarranted.

21. It is also equally well settled that law/regulation is made not to be broken but to be obeyed according to the decisions of the Apex Court in a catena of cases, one of which is the decision of the Apex Court, i.e., a Constitution Bench in *Kartar Singh v. State of Punjab*, (1994) 3 SCC 569. Para 36 of SCC in *Kartar Singh* (supra) read as follows :

"36. Law is made not to be broken but to be obeyed and the respect for law is not retained by demonstration of strength but by better appreciation of the reasons, better understandings of its reality and implicit obedience. It goes without saying that the achievements of law in the past are considerable, its protection in the present is imperative and its potential for the future is immense. It is very unfortunate that on account of lack of respect, lack of understanding, lack of effectiveness, lack of vision and lack of proper application in the present day affairs, law sometime fails in crises."

22. On bare perusal of section 9 of the Act, 2007 keeping the ratio laid down by the Apex Court in the cases discussed above regarding the construction of statute and/or interpretation of statute at juxtapose, it is clear that before appointing acting Syiem, two conditions should be fulfilled, i.e., (1) vacancy in the office of Syiem and (2) recommendation of a person for Acting Syiem. In other words, vacancy in the office of the Syiem and recommendations by the members of Syiem clan for appointing a person eligible for Syiem as Acting Syiem are the sine qua non for appointing a person eligible for Syiem as Acting Syiem. Further, no particular form of recommendation is provided in section 9 of the Act, 2007 and only requirement for such recommendations is that recommendations should be by members of Syiem clan. As there is no particular form of recommendation provided in section 9 of Act, 2007 one cannot infer by burrowing words which are not mentioned in section 9 of the Act, 2007 that there cannot be recommendations for appointing a person eligible for Syiem as Acting Syiem in the complaint filed against the Syiem.

23. One of the apprehensions that the inquiry against the appellantrwrit petitioner would be arbitrary and also mala fide as the inquiry is to be conducted by an Inquiry Officer appointed by the Executive Committee, KHADC who placed the appellantrwrit petitioner under suspension, had already been taken care of by an order dated 13.10.2010 of the Executive Committee, KHADC appointing Mr. S. Kharsyiemlieh, Additional Judge, Additional District Council Court as Inquiry Officer to conduct inquiry against the appellantrwrit petitioner. At this juncture, this court after putting pointed question to the learned counsel for the parties as to the stage of the inquiry against the appellantrwrit petitioner, ascertained that the inquiry is at the very advanced stage inasmuch as examination of prosecution witnesses had already been over and examination of defence witnesses is continuing. The suspension of the appellantrwrit petitioner for a longer period for noncompletion of inquiry against the appellantrwrit petitioner would be punishment intrue practical terms even though the suspension is not punishment. Accordingly, inquiry should be completed as expeditiously as

possible.

24. Mr. K.N. Choudhury, learned senior counsel appearing for respondents strenuously contended that the Apex Court in a number of Civil Appeals arising from writ petitions similar with the present writ petition had set aside the order of this court interfering with the pending inquiry against the Syiem and directed that inquiry should be completed within a stipulated period. One of the judgments of the Apex Court, i.e., Civil Appeal No.1831 of 1980 read as follows :

"IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 1831 OF 1980

(Appeal by Special Leave granted by this court its order dated the 9th May, 1988, in Petition for Special Leave to appeal (Civil) No.4686 of 1988 from the judgment and order dated the 1st March, 1988, of the High Court of Gauhati at Gauhati in Civil Rule No.310 of 1987)

1. The Khasi Hills District Council, Shillong, Meghalaya.
 2. The Executive Member in Charge, Blake Administration, etc. Khasi Hills District Council, Shillong, Meghalaya.
 3. The Executive Committee, Khasi Hills District Council, Shillong, Meghalaya.
-Appellants.

Versus

1. Franciswell Syiem, Mawkhar, Shillong, Meghalaya.
 2. L. Sporso Mamek Syiem Shillong, Meghalaya.
-Respondents.

9th May, 1988

CORAM : HON"BLE MR. JUSTICE MURARIMOHON DUTT HON"BLE MR. JUSTICE M.H. KAMA

For the Appellants : Mr.A.K. Sen, senior advocate. (Vijay Hansaria & Sunil Kr. Jain, advocates with him).

For Respondent No. 1 : Mr. F.S. Nariman, senior advocate [Miss Halida Khatoon with (sic) advocates, with him].

For Respondent No. 2 : Mr. Probir Chowdhary, Advocate.

The appeal above mentioned being called on for hearing before this court on the 9th day of May, 1988, upon perusing the record and hearing counsel for the parties herein, this court while making it clear that there is no stigma attached to the Order of suspension DOTH in disposing of the appeal ORDER: (1) THAT the

judgment and order dated the 1st March, 1988 of the High Court of Gauhati at Gauhati in Civil Rule No. 310 of 1987 be and is hereby set aside and instead the Order dated the 19th March, 1987 passed by the Executive Committee, Khasi Hills District Council, Shillong, suspending Franciswell Syiem respondent No. 1 herein from the office of the Syiemship of Mijllim be and is hereby restored; (2) THAT the District Council, Khasi Hills, Shillong be and is hereby directed to complete the enquiry proceedings against the respondent No.1 herein within three months from this the 9th day of May, 1988: (3) THAT the present acting Syiem or any Syiem who be appointed later, be and is hereby directed to keep regular accounts; (4) THAT there shall be no order as to costs of the said appeal in this Court;"

25. We also carefully perused the impugned judgment and order of the learned Single Judge dated 25.11.2010 and for the reasons discussed above, there is absolutely no material for interfering with the finding of the learned Single Judge for not granting prayer for quashing and setting aside the impugned order dated 30.09.2010 issued by the Executive Committee, KHADC for suspending the appellantpetitioner from the post of Syiem as well as appointment of respondent No.5 as Acting Syiem and also that Inquiry Officer shall end eavour to complete the enquiry within the time frame stipulated in the order dated 30.9.2010 of the Executive Committee, KHADC.

26. In order to strike a balance of justice we order that pending inquiry against the appellantwrit petitioner which is at the advanced stage, should be completed within three months from the date of receipt of certified copy of this judgment and order, which is being furnished by the appellantwrit petitioner to the Inquiry Officer within seven days from today; and in case of failure on the part of the Inquiry Officer to complete the inquiry within the period stipulated above, the appellantwrit petitioner should be reinstated as Syiem by passing appropriate orders by the Executive Committee, KHADC "without prejudicing the inquiry. It is made clear that while counting the stipulated period of three months for completing the pending inquiry, time taken by the appellantwrit petitioner by adjourning the proceedings of the inquiry should not be computed.

The Writ Appeal is disposed of with the above direction.