



Serial No.08
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

MC[WP(C). No. 197 of 2025 in
WP(C). No. 196 of 2025

Date of Order: 19.02.2026

The Committee on Public Undertakings in
The Meghalaya Legislative Assembly
Represented by
The Commissioner & Secretary,
Meghalaya Legislative Assembly,
MG Road, Shillong – 793001,
East Khasi Hills, Meghalaya.

...Applicant

-Vrs-

1. Smti. Apasra Slyviana Dkhar,
Wife of (L) K.Mawroh,
Resident of Riatsamthiah, Shillong,
East Khasi Hills, Meghalaya.
2. Smti. Santidora Mawlieh,
Wife of Shri. A.L.Thongni,
Resident of Upland Road, Laitumkhrah,
Shillong, East Khasi Hills, Meghalaya.
3. Smti. Deepa Nongkynrih,
Wife of Shri. R.DKhar,
Resident of Upland Road, Laitumkhrah,
Shillong, East Khasi Hills, Meghalaya.
4. Smti. Phil Raliang,
Wife of Shri. R. Mawthoh,
Resident of Rynjah, Shillong,
East Khasi Hills, Meghalaya.



5. Smti. Lifulmary Lyngdoh Wahlang,
Wife of Shri. D. Marbaniang,
Resident of Laitumkhrah, Shillong,
East Khasi Hills, Meghalaya.
6. Smti. Diolona Wanniang,
Wife of Shri. A. Nongsiej,
Resident of Mawlai, Shillong,
East Khasi Hills, Meghalaya.
7. Smti. Kmenlang Khongshei,
Son of (L) D. Khongrymmmai,
Resident of Upland Road, Laitumkhrah,
Shillong, East Khasi Hills, Meghalaya.
8. Shri. Hotar Rani,
Son of (L) E. Marbaniang,
Resident of Nongrah, Shillong,
East Khasi Hills, Meghalaya.
9. Smti Labiangdor Nongbri,
Daughter of Shri Walter Majaw,
Resident of Umsohsun, Shillong,
East Khasi Hills, Meghalaya.

...Opposite Parties/Respondents

-AND-

10. State of Meghalaya, Represented by
The Commissioner and Secretary,
Department of Commerce and Industries,
Government of Meghalaya, Shillong.
11. The Director,
Department of Commerce and Industries,
Government of Meghalaya, Shillong.
12. The Chairman,
Meghalaya Industrial Development Corporation
Limited, Government of Meghalaya Undertaking,



Upland Road, Laitumkhrah, Shillong-793003,
East Khasi Hills, Meghalaya.

13. The Managing Director,
Meghalaya Industrial Development Corporation Limited,
Government of Meghalaya Undertaking,
Upland Road, Laitumkhrah, Shillong-793003,
East Khasi Hills, Meghalaya.
14. The Deputy General Manager, Loan,
Recovery and Accounts, Meghalaya Industrial
Development Corporation Limited,
Government of Meghalaya Undertaking, Upland Road,
Laitumkhrah, Shillong-793003,
East Khasi Hills, Meghalaya.
15. The Assistant General Manager, Engineering,
Finance and Accounts, Meghalaya Industrial
Development Corporation Limited,
Government of Meghalaya Undertaking,
Upland Road, Laitumkhrah, Shillong-793003,
East Khasi Hills, Meghalaya.
16. The Manager Accounts,
Meghalaya Industrial Development Corporation Limited,
Government of Meghalaya Undertaking,
Upland Road, Laitumkhrah, Shillong-793003,
East Khasi Hills, Meghalaya.
17. The Principal Accountant General (Audit),
Office of the Principal Accountant General (Audit),
MG Road, Shillong-793001,
East Khasi Hills, Meghalaya.
18. The Deputy Accountant General,
AMG-I Administration and AMG-II,
Office of the Principal Accountant General (Audit),
MG Road, Shillong-793001,
East Khasi Hills, Meghalaya.
19. The Audit Officer,
Office of the Principal Accountant General (Audit),



MG Road, Shillong-793001,
East Khasi Hills, Meghalaya.

...Proforma Respondents.

Coram:

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

Appearance:

For the Petitioner/Applicant(s) : Mr. N.D.Chullai, Sr. Adv. with
Ms. R.Colney, Adv.

For the Respondent(s) : Ms. B.Kharwanlang, Adv. with
Mr. S.Thapa, Adv. for R 1-9.
Mr. N.Syngkon, GA for R 10 & 11.
Mr.K.P.Bhattacharjee, Adv. for R 12-16.
Mr. K.Kharmawphlang, Adv. for R 17-19.

- | | | |
|-----|--|--------|
| 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. This is an application for striking off the respondent No. 12 i.e. the Committee on Public Undertakings in the Meghalaya Legislative Assembly, who has been arrayed as party in the main writ petition being WP(C). No. 196 of 2025 as respondent No.12.

2. The grounds as set out and advanced by Mr. N.D.Chullai, learned Sr. counsel assisted by Ms. R.Colney, learned counsel on behalf of the applicant



is that by virtue of Chapter XXV Assembly Committees of the Rules of Procedure and Conduct of Business in Meghalaya Legislative Assembly containing Rule 193-194, the members are appointed by the Legislative Assembly on a motion made, or nominated by the Speaker as the case may be, and the said Committee which has been arrayed as party was accordingly, by virtue of the Rules constituted to examine the report as stipulated under the Rules. For the sake of convenience, the relevant Rules i.e. 193, 194, 242-A, whereby the controls and functions of the Committee are laid down, are reproduced hereinbelow:

“193. In this Chapter, unless the context otherwise requires, “Committee” means and includes “Assembly Committee” as defined in Sub-rule (1) of rule 2.

194. (1) The members of a Committee shall be appointed or elected by the Assembly on a motion made or nominated by the Speaker, as the case may be.

(2) No Member shall be appointed to a Committee if he is not willing to serve on it. The proposer shall ascertain whether the Member whose name is proposed by him is willing to serve on the Committee.

(3) Casual vacancies in the Committee shall be filled by appointment or election by the Assembly on a motion made or nomination by the Speaker, as the case may be, and any Member appointed, elected or nominated to fill such vacancy shall hold office for the unexpired portion of the term for which the member in whose place he is appointed, elected or nominated would have normally held office.



242-A. There shall be a Committee on Public Undertakings for the examination of the working of the public undertakings or such other undertakings as may be referred to by the Speaker from time to time. The functions of the Committee shall be:-

(a) to examine the reports and accounts of the public undertakings specified in the Fourth Schedule, and of such undertakings as may be referred to the Committee by the House/Speaker from time to time;

(b) to examine the reports, if any, of the Comptroller and Auditor General on the public undertakings;

(c) to examine, in the context of the autonomy and efficiency of the public undertakings whether the affairs of the public undertakings are being managed in accordance with sound business principles and prudent commercial practices;

(d) to exercise such other functions vested in the Committee on Public Accounts and the Committee on Estimates in relating to the public undertakings specified above as are not covered by clauses (a), (b) and (c) above and as may be allotted to the Committee by the Speaker from time to time; Provided that the Committee shall not examine and investigate any of the following, namely :-

- (i) matters of major Government policy as distinct from business of commercial functions of the public undertakings;*
- (ii) matters of day-to-day administration;*
- (iii) matters for the consideration of which machinery is established by any special statute under which a particular public undertaking is established.”*

3. It is further the case of the applicant that the function of the Committee is only to examine the reports and accounts of the said



Undertakings specified in the Rules of Procedure, whereafter a report is presented to the House. The proceedings or recommendations of such Committees it is submitted, can be stated to be, or deemed to be proceedings of the State Legislature. It is then contended that by virtue of Article 212 of the Constitution of India, which lays down that Courts are not to inquire into the proceedings of the Legislature, the proceedings of the said Committee therefore, are covered under the said Article and as such the Committee cannot be made party to the proceedings. Moreover, it has been argued that no relief has been claimed against the Committee, which has only made its recommendations and it was open to the concerned PSUs to take appropriate steps.

4. Ms. B.F.Kharwanlang, learned counsel for the petitioners has vehemently resisted this argument and submits that the genesis of the denial of benefits to the writ petitioners was from the recommendation that had been made by the PSU Committee. She has also placed a decision of the Hon'ble Supreme Court in the case of *Dr. Sunil Kumar Singh vrs. Bihar Legislative Council (Through Secretary) & Ors. reported in (2025) SCC Online 439* which concerns the Ethics Committee of the Bihar Legislative Council, and submits that in the instant case itself, the Ethics Committee had sought shelter of Article 212, which however was distinguished by the Hon'ble Supreme Court that protection under Article 212 operates only in



respect of proceedings of the Legislature on the grounds of procedural irregularities. Further, it is submitted that the judgment has also distinguished between what constitutes proceedings of Legislature and what is a legislative decision. She further submits that in the instant case, the same will not come within the meaning of proceedings of the house as the recommendation on examination of the report of CAG by the Committee has resulted in an affirmative recommendation for discontinuance of the staff retirement benefits, additional retirement benefits and encashment of commuted leave.

5. This Court on hearing the respective parties and on examination of the pleadings as presented, though no relief is claimed against the said respondent No. 12 which is the Committee, but due to the opaque nature on which the said recommendation had been arrived at and acted upon accordingly rejects the application for striking of the respondent No. 12. Matter to proceed accordingly.

6. Misc. case stands disposed of.

Judge