

IN THE HIGH COURT OF SIKKIM

ORDER SHEET

Writ Petition (C).....No. 17 of 199 2002

N. K. Pradhan.....Petitioner/Appellant

Versus

State of Sikkim & Others.....Respondent

| Serial No. of Order | Date of Order | Order with Signature | Office Note as to action (if any) taken on Order |
|---------------------|---------------|---|--|
| 1. | 12.12.2002 | <p>Present : Mr. B. Sharma, Advocate for the petitioner. Mr. S. P. Wangdi, Advocate General with Mr. J. B. Pradhan, Government Advocate for the respondents.</p> <p>-----</p> <p>Heard the learned counsel for the petitioner on admission.</p> <p>The petition has been carelessly drafted and it does not make any sense. In paragraph 3 of the petition it has been stated that the petitioner was promoted to the post of Assistant Engineer along with the other petitioners on 12.04.1999 and it is incomprehensible as to what is the meaning of "other petitioners". In relief (d) it states "a writ or direction to the respondent or each of the respondents to consider the seniority of the petitioner and include their names in the final seniority list after quashing Annexure P-4 and inserting the name of the petitioner and other 8 incumbents similarly circumstanced in appropriate place in the final seniority list". Learned counsel for the petitioner is unable to say what is the meaning of "other 8 incumbents". The order of promotion has also not been annexed with the petition. One of the reliefs claimed is that the petitioner should be promoted with retrospective effect from the year 1993 or 1996 but he has admitted that he has already been promoted with effect from 12.04.1999. There is nothing to show why the petitioner should not have sought promotion in the year 1993 or 1994 itself, if he ought to have been promoted in the year 1993. Since the petition does not make any sense, the same is dismissed in limine. However, this will</p> | |

not bar fresh petition on the same cause of action.

R. Dayal
(R. Dayal)
Chief Justice
12.12.2002