

IN THE HIGH COURT OF SIKKIM

Writ Petition (C) No.29 OF 2000

D. K. Pradhan
Arithang, Gangtok,
East Sikkim. ... Petitioner.

-Versus -

State of Sikkim and others. ... Respondents.

Coram :

Hon'ble Mr. Justice R. Dayal, Chief Justice.

Hon'ble Mr. Justice Anup Deb, Judge.

Present : Mr. Bhaskar Raj Pradhan, Advocate for the
petitioner.

Mr. N. B. Khatiwada, Additional Advocate
General with Mr. J. B. Pradhan, Govt.
Advocate for the respondent Nos.1, 2 and 3.

Date of Decision : 07-06-2001.

J U D G M E N T

Dayal, CJ.

Vide Office Order No.2008/(G)/DOP dated 11-08-1998
(Annexure P-1), the Government promoted 32 officers of the State Civil
Service including the petitioner to the Selection Grade-II. Petitioner's
name was at Sl.No.11. That order was subsequently superseded vide

u. ...

Office Order No.1044(G)/DOP dated 25-10-1999 (Annexure P-9), on the basis of the recommendation of a Committee appointed vide Order dated 22-08-1998 following representations submitted by some members of the State Civil Service regarding promotions to the posts of Joint Secretaries vide Order dated 11-08-1998.

2. Learned Counsel for the petitioner submits that neither the Tobden Committee on the basis of whose report the Order dated 25-10-1999 is based nor the Government gave the opportunity of hearing and as such the Order dated 25-10-1999 wherein the name of the petitioner does not find place inasmuch as the order referred to 32 persons whereas the petitioner was placed at Serial No.35 is vitiated by the breach of the principles of natural justice. To this submission, the learned Additional Advocate General has no reply to make. We are of the view that the matter needs to be considered again by the Government after giving the opportunity of hearing to the affected parties including the petitioner.

3. In the result, we allow the writ petition and quash the Office Order No.1044(G)/DOP dated 25-10-1999 (Annexure P-9) and direct the Government to consider the matter again by giving an opportunity of


M. S. Srinivasan

hearing to all the affected parties including the petitioner, D. K. Pradhan.

There shall be no order as to costs.



(Anup Deb)
Judge
07-06-2001


7.6.2001

(R. Dayal)
Chief Justice
07-06-2001