

# IN THE HIGH COURT OF SIKKIM

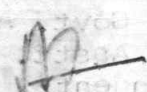
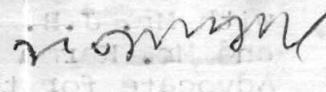
## ORDER SHEET

Writ Petition (C) .....No. 44 of 199 2000

. Bikash Dahal .....Petitioner/Appellant


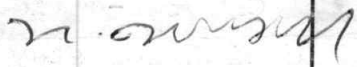

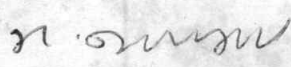
Versus

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.	30.8.2000	<p>Present : Mr. A. Moulik, Advocate for the petitioner.</p> <p>Mr. U. P. Sharma, Senior Govt. Advocate with Mr. Karma Thinlay, Asstt. Govt. Advocate for the respondents.</p> <p style="text-align: center;">-----</p> <p>Heard. Admit.</p> <p>Counter-affidavit and reply to the application for stay may be filed within two weeks. Rejoinder, if any, be filed within one week thereafter.</p> <p>Be listed for hearing on the application on merit and also on the stay application on 18.9.2000.</p> <div style="display: flex; justify-content: space-around; align-items: center;"> <div style="text-align: center;">               ( A. Deb )              Judge              30.8.2000         </div> <div style="text-align: center;">               ( R. Dayal )              Chief Justice              30.8.2000         </div> </div>	
2.	18-9-2000	<p>Present: Mr. A. Moulik, Advocate for the petitioner.</p> <p>Mr. S.P. Wangdi, Advocate General with Mr. Karma Thinlay, Asstt. Govt. Advocate for the respondents.</p> <p style="text-align: center;">-----</p> <p>Neither the counter-affidavit has been filed to the writ petition nor reply</p>	


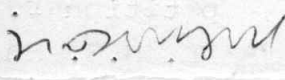

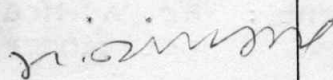
(A. Deb)  
Judge  
18-9-2000

(R. Dayal)  
Chief Justice  
18-9-2000

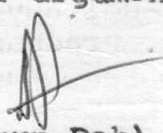
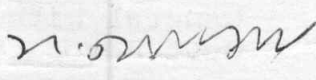
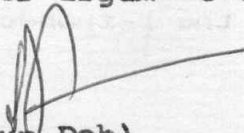
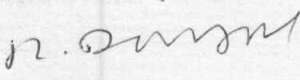
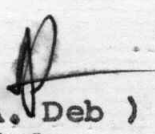
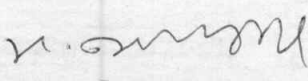
Serial No. of Order	Date of Order	Order with Signature	Office Note as to action (if any) taken on Order
		<p>has been filed to the application for stay. Learned Advocate General submits that the matter regarding regularisation of services of the petitioner is under consideration of the Government and, therefore, some date <del>in</del> <sup>in</sup> the <del>month</del> <sup>in</sup> towards the end of November, 2000 may be fixed. Learned Advocate General further submits that the petitioner shall be allowed to continue to be in service till further orders.</p> <p>Be listed for further orders on 23-11-2000.</p> <p style="text-align: center;">             (Anup Deb)            Judge            18-9-2000.         </p> <p style="text-align: center;">             (R. Dayal)            Chief Justice            18-9-2000.         </p>	
3.	23-11-2000	<p>Present: Mr. A. Moulik, Advocate for the petitioner.</p> <p>Mr. S.P. Wangdi, Advocate General with Mr. J.B. Pradhan, Govt. Advocate and Mr. Karma Thinlay, Asstt. Govt. Advocate for the respondents.</p> <p style="text-align: center;">---</p> <p>An application has been filed by the State for adjournment.</p> <p>The matter be listed on 29-3-2001 alongwith similar other cases.</p> <p style="text-align: center;">             (Anup Deb)            Judge            23-11-2000.         </p> <p style="text-align: center;">             (R. Dayal)            Chief Justice            23-11-2000.         </p>	

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Serial No. of Order	Date of Order	Order with Signature	Office Note as to action (if any) taken on Order
4.	29.3.2001	<p>Present : Mr. A. Moulik, Advocate for the petitioner.</p> <p>Mr. N. B. Khatiwada, Addl. Advocate General with Mr. J. B. Pradhan, Govt. Advocate for the respondents.</p> <p>--</p> <p>Learned Additional Advocate General requests for a date.</p> <p>Be listed for hearing on 20.4.2001.</p> <div style="display: flex; justify-content: space-around; margin-top: 20px;"> <div style="text-align: center;">               ( A. Deb )              Judge              29.3.2001         </div> <div style="text-align: center;">               ( R. Dayal )              Chief Justice              29.3.2001         </div> </div>	<p>As directed list on 27.4.2001 for hearing.</p> <p><i>[Signature]</i></p> <p>off 29/3/01</p> <p>Informed the parties through notice <i>[Signature]</i></p>
5.	27.4.2001	<p>Present : Mr. A. Moulik, Advocate for the petitioner.</p> <p>Mr. N. B. Khatiwada, Addl. Advocate General with Mr. J. B. Pradhan, Govt. Advocate for the respondents.</p> <p>---</p> <p>Learned Additional Advocate General requests for a date.</p> <p>Be listed for hearing on 24.05.2001.</p> <div style="display: flex; justify-content: space-around; margin-top: 20px;"> <div style="text-align: center;">               ( A. Deb )              Judge              27.4.2001         </div> <div style="text-align: center;">               ( R. Dayal )              Chief Justice              27.4.2001         </div> </div>	
6.	24-5-2001	<p>Present: Mr. A. Mouluk, Advocate for the petitioner.</p> <p>Mr. N.B. Khatiwada, Addl. Advocate General with Mr. Karma Thinlay, Asstt. Govt. Advocate for the respondents.</p> <p>---</p> <p>Heard arguments in part.</p> <p>Learned Addl. Advocate General requests for a fortnight time for further</p>	


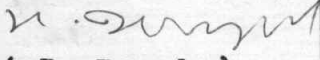

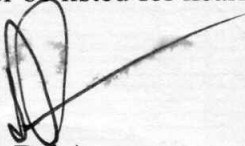
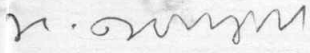
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Serial No. of Order	Date of Order	Order with Signature	Office Note as to action (if any) taken on Order
		<p>arguments.</p> <p>The matter be listed on 7-6-2001 for further arguments.</p> <div style="display: flex; justify-content: space-around;"> <div style="text-align: center;">             (Anup Deb)            Judge            24-5-2001.         </div> <div style="text-align: center;">             (R. Dayal)            Chief Justice            24-5-2001.         </div> </div>	
7.	7-6-2001	<p>Present: Mr. A. Moulik, Advocate for the petitioner.            Mr. N.B. Khatiwada, Addl. Advocate General with Mr. J.B. Pradhan, Govt. Advocate for the respondents.</p> <p style="text-align: center;">---</p> <p>Learned Additional Advocate General requests for four weeks' time.</p> <p>The matter be listed on 9-7-2001 for further arguments.</p> <div style="display: flex; justify-content: space-around;"> <div style="text-align: center;">             (Anup Deb)            Judge            7-6-2001.         </div> <div style="text-align: center;">             (R. Dayal)            Chief Justice            7-6-2001.         </div> </div>	
8.	9.7.2001	<p>Present : Mr. A. Moulik, Advocate for the petitioner.</p> <p>Mr. N. B. Khatiwada, Addl. Advocate General with Mr. Karma Thinlay, Asstt. Govt. Advocate for the respondents.</p> <p style="text-align: center;">--</p> <p>Learned Additional Advocate General requests for adjournment by 8 weeks.</p> <p>Be listed for further arguments on 10.09.2001.</p> <div style="display: flex; justify-content: space-around;"> <div style="text-align: center;">             ( A. Deb )            Judge         </div> <div style="text-align: center;">             ( R. Dayal )            Chief Justice         </div> </div>	

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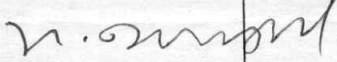
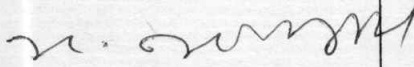
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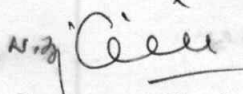

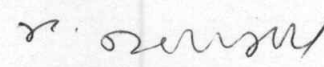
Serial No. of Order	Date of Order	Order with Signature	Office Note as to action (if any) taken on Order
9.	10.9.2001	<p>Present : Mr. A. Moulik, Advocate for the petitioner.</p> <p>Mr. N. B. Khatiwada, Addl. Advocate General with Mr. Karma Thinlay, Asstt. Govt. Advocate for the respondents.</p> <p>---</p> <p>Adjournment is requested on behalf of the respondents. Not opposed.</p> <p>Be listed for arguments on 22.2.2002.</p> <div style="display: flex; justify-content: space-around; align-items: flex-end;"> <div style="text-align: center;">               ( A. Deb )              Judge              10.9.2001         </div> <div style="text-align: center;">               ( R. Dayal )              Chief Justice              10.9.2001         </div> </div>	<p>Date fixed for hearing falls in winter vacation. As decided list on 21-11-01 for re-fixing date of hearing. Informed counsel by postcard D.O.</p> <p> 10/11/2001</p>
10.	21.11.2001	<p>Present : Mr. A. Moulik, Advocate for the petitioner.</p> <p>Mr. N. B. Khatiwada, Addl. Advocate General with Mr. Karma Thinlay, Asstt. Govt. Advocate for the respondents.</p> <p>.....</p> <p>The Court will be closed during vacation on 22.02.2002. The matter be listed for hearing on 04.04.2002.</p> <div style="display: flex; justify-content: space-around; align-items: flex-end;"> <div style="text-align: center;">               ( A. Deb )              Judge              21.11.2001         </div> <div style="text-align: center;">               ( R. Dayal )              Chief Justice              21.11.2001         </div> </div>	<p>Informed advs. through notice by post</p>
11	4.4.2002	<p>Present : Mr. A. Moulik, Advocate for the petitioner.</p> <p>Mr. N. B. Khatiwada, Addl. Advocate General with Mr. J. B. Pradhan, Govt. Advocate for the respondents.</p> <p>---</p> <p>Learned Additional Advocate General says that the matter is under consideration of the Government. The learned counsel for the petitioner submits that the</p>	

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Serial No. of Order	Date of Order	Order with Signature	Office Note as to action (if any) taken on Order
		<p>petitioner is not getting his salary from 1st October, 2001. The learned Additional Advocate General on instruction says that the arrears of salary will be paid within 15 days.</p> <p>Be listed for hearing on 10th June, 2002.</p> <p style="text-align: right;"><i>R. Dayal</i> ( R. Dayal ) Chief Justice 4.4.2002</p>	
12.	10.6.2002	<p>Present : Mr. A. Moulik, Advocate for the petitioner.</p> <p>Mr. N. B. Khatiwada, Addl. Advocate General with Mr. J. B. Pradhan, Govt. Advocate for the respondents.</p> <p>Learned Additional Advocate General requests for a date on the ground that the matter is being considered by the Government. For orders, the matter be listed on 29.7.2002.</p> <p style="text-align: right;"><i>Ripusudan Dayal</i> ( Ripusudan Dayal ) Chief Justice 10.06.2002</p>	

Writ Petition No.44/2000.

Serial No. of Order	Date of Order	Order with Signature	Office Note as to action (if any) taken on Order
13.	23-7-2002	<p>Present: Miss Kesang Diki Bhutia, Advocate for the petitioner.</p> <p>Mr. N.B. Khatiwada, Addl. Advocate General with Mr. J.B. Pradhan, Govt. Advocate for the respondents.</p> <p>---</p> <p>An application has been filed on behalf of respondents for refixing of the date on the ground that the learned Additional Advocate General shall be out of station on 29-7-2002. He also submits that no decision has been taken by the Government and the matter is still under consideration of the Government.</p> <p>The matter be listed for orders on 25-9-2002.</p> <p> (R. Dayal) Chief Justice 23-7-2002.</p>	
14.	25.9.2002	<p>Present : Mr. A. Moulik, Advocate for the petitioner.</p> <p>Mr. N. B. Khatiwada, Addl. Advocate General with Mr. J. B. Pradhan, Govt. Advocate for the respondents.</p> <p>-----</p> <p>Learned Additional Advocate General requests for adjournment on the ground that the matter is under consideration of the Government. Be listed for arguments on 25.02.2003.</p> <p> (Ripusudan Dayal) Chief Justice 25.09.2002</p>	

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15.	25.2.2003	<p>Present : Mr. A. Moulik, Advocate for the petitioner.</p> <p>Mr. N. B. Khatiwada, Addl. Advocate General with Mr. J. B. Pradhan, Government Advocate for the respondents.</p> <p>-----</p> <p>As this matter is of Division Bench, I am not in a position to take up the matter <sup>heard</sup> for arguments. In view of this, the matter be listed on 19.3.2003 for necessary orders.</p> <p style="text-align: right;">             ( N. Surjamani Singh )            Judge  <u>25.02.2003</u> </p>	
16.	19.3.2003	<p>Present : Mr. A. Moulik, Advocate for the petitioner.</p> <p>Mr. N. B. Khatiwada, Addl. Advocate General with Mr. J. B. Pradhan, Govt. Advocate for the respondents.</p> <p>-----</p> <p>The learned Additional Advocate General submits that the petitioner has been appointed on regular establishment, and, therefore, the petition has become infructuous. Learned Counsel for the petitioner concedes to this. Accordingly, the writ petition is dismissed as infructuous.</p> <p style="text-align: center;">   </p> <p style="display: flex; justify-content: space-around;"> <span data-bbox="308 1592 617 1710">( N. Surjamani Singh ) Judge 19.3.2003</span> <span data-bbox="828 1592 1136 1710">( Ripusudan Dayal ) Chief Justice 19.3.2003</span> </p>	

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