

HIGH COURT OF SIKKIM
Record of Proceedings

W.P.(C) No. 55/2016

PRATAP SINGH TAMANG

PETITIONER(S)

VERSUS

STATE LEGISLATIVE ASSEMBLY SECRETARIAT,
SLAS & ANR.

RESPONDENT (S)

Date: 09/12/2019

CORAM :

HON'BLE MR. JUSTICE BHASKAR RAJ PRADHAN, J.

For Petitioner (s) : Ms. Gita Bista and Ms. Monika Rai,
Advocates.

For Respondent : Mr. D. K. Siwakoti, Advocate.
No.1.

For Respondent : Mr. A. Moulik, Senior Advocate with Ms.
No.2 K. D. Bhutia and Mr. Ranjeet Prasad,
Advocates.

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1. A writ petition was filed by the petitioner before this Court for a direction upon the respondent No.1 to consider his case for promotion to the post of Under Secretary and thereafter to the post of Deputy Secretary prior to the respondent No.2 and to maintain his seniority. A consequential prayer for arrears and other financial benefits were also sought for.

2. Pursuant to the notice issued by this Court, the respondents entered appearance. During the pendency of the writ petition, the respondent No.1 sent a communication to the petitioner informing the petitioner that pursuant to the application dated 02.07.2019, the

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Speaker of the Sikkim Legislative Assembly had consented to review his case.

3. A report was filed by the respondent No.1 on 27.11.2019 annexing four Office Orders.

4. Office Order No.937/ADMN/SLAS dated 08.11.2019 records that the Speaker, Sikkim Legislative Assembly is pleased to accept the report of the "One Man Grievance Redressal Ad-hoc Committee" constituted vide Order No.37/ADMN/SLAS, dated 02.08.2019 under the Chairmanship of Shri D. K. Gazmer, IAS(Retd.) / Ex-Chief Information Commissioner.

5. The second Office Order No.938/ADMN/SLAS dated 08.11.2019 records that in pursuance to Office Order No. 937/ADMN/SLAS, dated 08.11.2019 and in partial modification of previous O. O. No. 240/2009-2010/SLAS/ADMN/401, dated 25.03.2010, the *Inter-Se-Seniority* of Shri P. S. Tamang is hereby restored at serial No.1 preceding Shri Megraj Gurung.

6. The third Office Order No. 940/ADMN/SLASS dated 08.11.2019 records that in partial modification to the previous office order No.15/707/99-00/SLAS/ADMN, dated 09.03.1999 and O. O. No. 242/SLAS/ADMN/2011-2012/513, dated 14.09.2011, Shri P. S. Tamang is deemed to have been promoted to the following post as under:-

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<i>Sl.No.</i>	<i>PROMOTED TO THE POST</i>	<i>PAY SCALE</i>	<i>W.E.F</i>	<i>REMARKS</i>
<i>01.</i>	<i>Accountant</i>	<i>4300-125-6800</i>	<i>11/02/1999</i>	<i>Notional</i>
<i>02.</i>	<i>Under Secretary</i>	<i>PB-II 9300-34800+G.P 5000/-</i>	<i>24/03/2010</i>	<i>Notional</i>

7. The final Office Order No.942/ADMN/SLASS dated 08.11.2019 records that the Speaker is pleased to promote Shri P. S. Tamang, Under Secretary to the post of Deputy Secretary in Level-17 of the Pay Matrix in the Sikkim Legislative Assembly Secretariat and further he is deemed to have been promoted to the above mentioned post with effect from 02.09.2016.

8. In view of the aforesaid Office Orders, the petitioner submits that his grievance have been met and therefore seeks to withdraw the present writ petition. The respondent No.1 does not have any objection. Mr. A. Moulik learned Counsel for the respondent No.2 however, submits that his client is aggrieved by the said office orders. The office orders so passed by the respondent No.1 may be a cause of action for respondent No.2, however, the Office Orders having been passed in favour of the petitioner nothing survives in the present writ petition. The petitioner is, therefore, permitted to withdraw the writ petition. The writ petition stands disposed of as withdrawn.

9. Needless to say the respondent No.2 is at liberty to choose his legal course of action as he is advised.

Judge
09.12.2019

Index : Yes / No
Internet : Yes / No
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