

# IN THE HIGH COURT OF SIKKIM

## ORDER SHEET

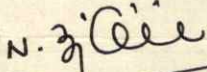
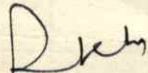
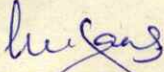
Writ Petition (Crl.) No. 6 of 199 2003

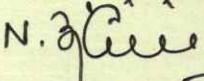

COURT ON SUO MOTU .....Petitioner/Appellant

Versus

.....Respondent

Serial No. of Order	Date of Order	Order with Signature	Office Note as to action (if any) taken on Order
1.	24.11.2003	<p>List this case for admission on 16.12.2003. Counter-affidavit may be filed in the meantime.</p> <p><i>N. S. Singh</i> ( N. S. Singh ) Judge 24.11.2003</p> <p><i>R. K. Patra</i> ( R. K. Patra ) Chief Justice 24.11.2003</p>	
at/			
2.	16.12.2003	<p>Put up this case on 3.3.2004 for orders. Counter-affidavit may be filed in the meantime.</p> <p><i>N. S. Singh</i> ( N. S. Singh ) Judge</p> <p><i>R. K. Patra</i> ( R. K. Patra ) Chief Justice</p>	
at/			
3.	3.3.2004	<p>As prayed for, 2 weeks' time is granted to the learned Advocate General to file counter.</p> <p>Put up on 18.3.2004 for necessary orders.</p> <p><i>N. S. Singh</i> ( N. S. Singh ) Judge</p> <p><i>R. K. Patra</i> ( R. K. Patra ) Chief Justice</p>	
at/			

Serial No. of Order	Date of Order	Order with Signature	Office Note as to action (if any) taken on Order
4. 18.3.2004		<p>Put up on 31.3.2004 for necessary orders. In the meanwhile, learned Advocate General undertakes to file status report.</p> <p style="text-align: center;">             ( N. S. Singh )            Judge         </p> <p style="text-align: center;">             ( R. K. Patra )            Chief Justice         </p>	<p>Status reports not filed.    <del>29/3/04</del></p>
at/ 5.	31.3.2004	<p>This writ petition was registered on the basis of an anonymous letter wherein it was alleged that the State Government is trying to protect and shield T. R. Sharma, Principal CCF-cum-Secretary in the Forest Department although he possesses assets disproportionate to his known sources of income. It was also alleged that in the recruitment of Forest Guards lot of irregularities had been committed by him.</p> <p><b>2.</b> We have heard Shri S. P. Wangdi, learned Advocate General. We have also perused the report affirmed by Shri D. P. Sharma, Additional Secretary in the Home Department of the State Government.</p> <p><b>3.</b> So far as the allegation of disproportionate assets by T. R. Sharma is concerned, it appears question was raised on this issue by the then leader of the Opposition in the State Assembly in February, 2002 and it was replied by the Minister concerned saying that the State Vigilance Department enquired into the matter and did not find a prima facie case of disproportionate assets against the said officer.</p> <p style="text-align: center;">On perusal of the report submitted by the Additional Secretary of the Home</p>	

Serial No. of Order	Date of Order	Order with Signature	Office Note as to action (if any) taken on Order
		<p>Department, it appears the Vigilance Department of the State Government investigated the matter during 1985, 1989 and 1998 and they did not find a prima facie case against the concerned officer. The Director of Vigilance himself reviewed the investigation in the year 2002 and he also did not find any material in support of the allegation of disproportionate assets held by the concerned officer.</p> <p>On consideration of the facts mentioned above, we do not find any basis to take a different view in the matter.</p> <p><b>4.</b> With regard to the alleged irregularity of recruitment of Forest Guards, we find that the matter was examined by a Special Officer appointed by this Court and no significant difference could be noticed in the list prepared by the Selection Committee. The aforesaid allegation of irregular recruitment was also examined by the learned Advocate General, who also did not find any substance in it.</p> <p>This being the factual position, there appears to be no valid foundation in the allegation made in the anonymous letter.</p> <p>For the reasons aforesaid, we do not find any merit in the letter and accordingly the writ petition is rejected.</p> <p style="text-align: center;">   <b>( N. S. Singh )</b>  <b>Judge</b> </p> <p style="text-align: center;">   <b>( R. K. Patra )</b>  <b>Chief Justice</b> </p>	

at/