

IN THE HIGH COURT OF SIKKIM
CIVIL APPELLATE JURISDICTION

W. A. No. 01 OF 2015

1. Lazong Bhutia,
Aged about 50 years,
S/o Late Dorjee Ongden Bhutia,
R/o Indira Bypass Road, P. O. & P. S.
Gangtok, East Sikkim.

2. Jagannath Niroula,
Aged about 53 years
S/o Shri. Punnya Prasad Niroula,
R/o Central Pendam,
P. O. Upper Pendam &
P. S. Rangpo,
East Sikkim.

3. Lekhnath Sharma (Dhakal),
Aged about 55 years,



S/o Late Nandalall Sharma (Dhakal),
R/o Central Pendam,
P.O Upper Pendam & P.S. Rangpo,
East Sikkim.

4. Norbu Tshering Bhutia,
aged 53 years, S/o Late Lha Tshering
Bhutia R/o Ben Feku,
P.O Ben Thalabari &
P.S Temi, South Sikkim.

5. Narayan Dass Basnett aged 49 years.
S/o Dhan Bahadur Tamang,
R/o. Denchung,
P.O Polok Denchung,
& P.S Jorethang,
South Sikkim.

6. Kaziman Basnet,
aged about 43 years.
S/o Late Gambir Singh Basnet,
R/o Daramdin Busty,
P/o Daramdin & P.S Sombaria,
West Sikkim.

7. Tempa Lepcha, aged about 50 years.
S/o Angu Lepcha,
R/o Hee- Gyathang, P.O
Hee-Gyathang,
P.S Mangan,
North Sikkim.

8. Hari Maya Chettri,
aged about 56 years.
D/o Late Attal Bahadur Chettri,

R/o Sadam Busty,
P.O Sadam & P.S Melli,
South Sikkim.

9. Januka Devi Sharma, aged 50 years.
W/o. Fadamlal Sharma, R/o. Soreng
Bazar, P.O. & P.S. Soreng, West Sikkim.
10. Lachi Maya Tamang, aged 45 years.
W/o. Mohan Raj Subba, R/o. Soreng
Bazar, P.O. & P.S. Soreng, West Sikkim.
11. Lucky Lepcha, aged about 50 years,
W/o. Lha Tshering Bhutia, R/o. Makha
Busty, P.O. Makha & P.S. Singtam, East
Sikkim.
12. Keshab Prasad Kaushik, aged 48
years, S/o. Late D.P. Kaushik, R/o.
Ranipool, P.O & P.S. Ranipool, East
Sikkim.
13. Da Tshering Lepcha, aged 46 years,
S/o. Shri. Phurjang Lepcha,
R/o. Upper Kabrey, Busty,
P.O. Namthang, P.S. Namchi,
South Sikkim.
14. Mani Kumar Pradhan, aged 49 years,
S/o. Late Man Bahadur Pradhan,
R/o. Daramdin Busty, P.O. Daramdin,
& P.S. Sombaria, West Sikkim.
15. Tsewang Norbu Bhutia, aged 40 years,
S/o. Late Phurba Bhutia, R/o. Chandmari, P.O
Raj Bhawan & P.S. Gangtok, East Sikkim.

16. Bhanu Bhakta Pradhan, aged 49 years, S/o. D.P. Pradhan, R/o. West Pandam, P.O. Pandam & P.S. Singtam, East Sikkim.
17. Lall Das Koirala, aged about 47 years, S/o. Late Bishnu Das Koirala, R/o. Khesey Busty, P.O. Samdong, P.S. Makha, East Sikkim.
18. Narayan Prasad Sharma, aged 53 years, S/o. Late Brihupati Sharma, R/o. Aho Busty, P.O. Aho Andhery, P.S. Pakyong, East Sikkim.
19. Binod Kumar Sharma, aged 53 years, S/o. Shri Punnya Prasad Sharma, R/o. Tareythang Busty, P.O. Bering & P.S. Pakyong, East Sikkim.
20. Chumie Ongmu Bhutia, aged 48 years, D/o. Fema Cheywang Bhutia, R/o. Phensong Busty, P.O. Phodong & P.S. Phodong, North Sikkim.
21. Kharga Bahadur Chettri, aged 51 years, S/o. Late. Ran Bahadur Chettri, Upper Sukrabarey, P.O. Sadam, P.S. Namchi, South Sikkim.
22. Indra Kumar Karki, aged about 55 years, S/o. Late. Bahadur Karki, R/o. Sukrabarey Busty, P.O. Sadam & P.S. Melli, South Sikkim.
23. Bansi Das Gurung, aged about 55 years, S/o Late. Tikaram Gurung, R/o Sukrabarey Busty, P.O Sadam & P.S Melli, South

Sikkim.

24. Doma Bhutia, aged about 37 years,
W/O Shri Ugen Lepcha, R/o Paney
Phensong, P.O Phensong & P.S Phodong,
North Sikkim.

25. Mahadeo Prasad Dhungel, aged about 48
years, S/o Punnya Prasad Dhungel,
R/o Central Pandam, P.O Central
Pandam & P.S. Rangpo, East Sikkim.

26. Hari Prasad Sharma, aged 45 years,
S/o P.P. Sharma, R/o Mazitar, P.O & P.S.
Rangpo, East Sikkim.

27. Tek Nath Sharma, aged 46 years,
S/o Late Kashi Nath Sharma,
R/o Sangkhu Dentam, P.O & P.S
Dentam, West Sikkim.

28. Tulshi Prasad Dahal, aged about 55
years, S/o Late Sadananda Dahal, R/o 5th
Mile Tadong, P.O & P.S Tadong, East
Sikkim.

29. Tara Nath Sharma, aged about 49 years,
S/o. Shri Devi Lal Sharma,
R/o Lower Tarku, P.O Tarku
& P.S. Temi, South Sikkim.

30. Jaslall Limboo, aged about 50 years,
S/o. Late Till Bahadur Limboo,
R/o Gumpadara Utteray, P.O &
P.S Utteray, West Sikkim.

31. Karma Thinley Lepcha, aged 50 years.
S/o. Late Lhendup Lepcha, R/o. Pentok
Busty, P.O & P.S Mangan, North Sikkim.

32. Goray Raj Subba, aged about 56 years, S/o.
Late Ita Raj Subba, R/o. Basilakha, P.O & P.S.
Pakyong, East Sikkim.

33. Kaching Lepcha, aged about 54 years.
S/o Late Nodup Lepcha.
R/o Chawang Busty, P.O Phamtam
& P.S Phodong, North Sikkim.

34. Meg Nath Subba, aged 49 years.
S/o. Shri Tikaram Subba.
R/o. Timburbong Busty.
P.O Timburbong Busty.
& P.S Soreng, West Sikkim.

35. Karma Tshering Lepcha, aged 49 years.
S/o Late Nim Passang Lepcha.
R/o Kaputhang Busty, P.O & P.S
Pakyong, East Sikkim.

36. Chandra Prasad Regmi, aged 49 years.
S/o. Shri Tula Ram Regmi, R/o Ganchung
Busty P.O & P.S Pakyong, East Sikkim.

37. Aki Lepcha, aged about 48 years.
W/O. Shri Chewang Norbu Lepcha.
R/o Phensong Busty, P.O Phensong
P.S Mangan, North Sikkim.

38. Kassang Lepcha, aged about 42 years.
S/o Late Leda Lepcha, R/o Paney,

Phensong Busty, P.O Phensong & P. S
Phudong, North Sikkim.

39. Som Nath Dahal, aged about 53 years,
S/o.Late Khem Lall Dahal, R/o Tintek
Busty,P.O Rakdong, P.S. Gangtok, East
Sikkim.

40. Denka Lepcha, aged about 48 year,
D/o Late Chungbu Lepcha, R/oTanek Busty,
P.O. Ramthang & P.S. Phudong, North
Sikkim.

41. Goray Lepcha, aged about 45 years,
S/o Nimching Lepcha, R/o Tanek Busty,P.O
Ramthang, P.S Phudong, North Sikkim.

42.Ninden Lepcha, aged about 41 years,
D/o Late Sonam Topgay Lepcha,
R/o Ranka Barbing Busty, P.O Ranka
& P.S Gangtok, East Sikkim.

43.Passangkit Lepcha,
aged about 38 years
D/o Shri Tashi Thendup Lepcha,
R/o TingvongUpper Dzongu,
P.O Tingvong & P.S. Mangan,
North Sikkim.

44.Chung Chuk Dorjee Bhutia, aged 55 years,
S/o Late Sangay Lama, R/o Linkey Busty,
P.O Linkey & P.S Pakyong, East Sikkim

45. Karma Bhutia, aged about 49 years,
S/o Late Sonam Bhutia, R/o Chalamthang

Busty, P.O & P.S Pakyong, East Sikkim.

46. Prem Lall Gautam, aged about 49 years. S/o
Shri Puspa Lall Gautam, R/o. Pakyong, P.O. &
P.S Pakyong, East Sikkim.

47. Meena Kumari Chettri, aged 48 years.
W/o Prem Lall Gautam, R/o Pakyong,
P.O & P.S Pakyong, East Sikkim.

48. Bhim Prasad Khanal, aged 46 years,
S/o Late Tika Ram Khanal, R/o Luing Busty,
P.O Luing & P.S Gangtok, East Sikkim.

49. Mitra Lall Khatiwara, aged 49 years.
S/o Bal Krishna Khatiwara,
R/o RDD Complex, Pakyong, P.O
& P.S Pakyong, East Sikkim.

50. Chandra Kumar Rai, aged about 54 years, S/o
Jaharman Rai, R/o Mamring Busty, P.O Bering
& P.S. Pakyong, East Sikkim.

51. Kedar Nath Sharma, aged 53 years.
S/o Late Devi Charan Sharma,
R/o Pakyong, P.O & P.S Pakyong,
East Sikkim.

52. Hem Bahadur Subba, aged 49 years,
S/o Dhan Shor Subba, R/o Chota Samdong
Busty, P.O Arubotey Khaneysebong & P.S
Soreng, West Sikkim.

W/oLazong Bhutia, R/o Sichey Bye- Pass Road,
P.O Sichey & P.S Gangtok, East Sikkim.

62. Bijoy Prasad Subba, aged 49 years,
S/o Late Pratap Singh Subba,
R/o Uttarey, P.O & P.S Uttarey,
West Sikkim.

63. Kamala Sharma, aged about 50 years,
W/o Gopal Sharma, R/o Gelling Busty, P.O
Chakung & P.S Naya Bazar, West Sikkim.

64. Gopal Sharma, aged about 54 years,
S/o Late Yedu Kumar Sharma,
R/o Gelling Busty, P.O Chakung &
P.S Naya Bazar, West Sikkim.

65. Shiva Shanker Adhikari, aged 48 years,
S/o Late Ganga Ram Adhikari,
R/o Lower Gelling, P.O Pipaley & P.S Naya
Bazar, West Sikkim.

66. Krishna Kumar Khati, aged 55 years,
S/o Late Gauri Shankar Khati,
R/o Rhenock Bazar Camping Ground,
P.O & P.S Rhenock, East Sikkim.

67. Ashis Thapa, aged about 33 years,
S/o Shri K.B. Thapa, R/o Ranipool,
P.O & P.S Ranipool, East Sikkim.

68. Bhupendra Sharma, aged 48 years,
S/o Dhanapati Sharma,

R/o Assam Lingzey, P.O Assam lingzey & P.S.
Ranipool, East Sikkim.

69. Ganga Ram Sharma, aged 45 years,
S/o Shri Yuba Prasad Neopaney,
R/o Rawtey Rumtek, P.O Rumtek,
& P.S Ranipool, East Sikkim,

70. Kunzang Chopel Lachenpa, aged 44 years,
S/o Late P.T Lachenpa, R/o Middle Sichey, P.O
& P.S Gangtok, East Sikkim.

71. Frisca Phurmit Lepcha, aged 44 years,
W/o Nanda Lal Pandey,
R/o Upper Namcheybong, P.O
& P.S Pakyong, East Sikkim.

72. Rukmani Sharma, aged 49 years,
W/o Shri Yadu Krishna Dhakal,
R/o Assam Lingzey, P.O Assam Lingzey,
P.S Ranipool, East Sikkim.

73. Man Singh Tamang, aged 45 years,
S/o Late Prem Bahadur Tamang,
R/o Noabgaon Pakyong, P.O & P.S
Pakyong, East Sikkim.

74. Naina Kumar Rai, aged about 48 years, S/o Late
D.P Rai, R/o Assam Lingzey, P. O. Assam
Lingzey & P.S. Ranipool, East Sikkim.

75. Pema Chokey Bhutia, aged 35 years,
D/o Late Loday Zangpo Bhutia, R/o Phensong,
P.O Phensong & P.S Phodong, North Sikkim.

76. Tenzing Dorjee Bhutia, aged 52 years,
S/o Late Gurmed Tempo Chopel Bhutia, R/o
Rarick Busty, P.O Manrongong & P.S Phodong,
North Sikkim.
77. Gyal Tshen Lepcha, aged 53 years,
S/o Late D. Namchyu Lepcha,
R/o Turuk Busty, P.O Turuk
& P.S Melli, South Sikkim.
78. Santa Rai, aged about 46 years,
D/o Late Karna Bahadur Rai,
R/o Pabyuik Naitam, P.O Pabyuik,
East Sikkim.
79. Songmit Lepcha, aged about 36 years, D/o Late
N.T Lepcha, R/o Tingvong Upper Dzoungu,
P.O Tingvong & P.S Mangan, North Sikkim.
80. Amrit Man Basnet, aged 50 years,
S/o Late Jeet Bahadur Basnet,
R/o Upper Tarku, P.O Tarku & P.S Temi,
South Sikkim.
81. Sonam Bhutia, aged about 40 years,
S/o Pem Suna Bhutia, R/o Dikling Busty, P.O
& P.S Pakyong, East Sikkim.
82. Kuber Prasad Sharma, aged 49 years,
S/o Late Rabi Lal Sharma, R/o Gaocharan,
P.O. Assamlingzey & P.S. Ranipool, East Sikkim.

83. Bhim Bahadur Poudyal, aged 42 years,
S/o Late K.B. Poudyal, R/o Middle Tarku,
P.O Tarku & P.S. Temi, South Sikkim.
84. Sangeeta Tamang, aged about 35 years,
W/o Dr. Subash Tamang, R/o Namchi,
P.O & P.S Namchi, South Sikkim.
85. Dil Bir Subba, aged 53 years,
S/o Shri Dhan Bahadur Subba,
R/o Soreng Busty, P.O & P.S Soreng,
West Sikkim.
86. Yadav Prasad Adhikari, aged 40 years,
S/o Late Bala Bhadra Adhikari,
R/o Tareythang, P.O Bering &
P.S Pakyong, East Sikkim.
87. Ratna Bahadur Chettri, aged 48 years,
S/o Shri P.B Chettri, R/o Bojoghari,
P.O Bojoghari, P.S Gangtok East Sikkim.
88. Chet Nath Katel, aged 48 years,
S/o Late Fadam Prasad Sharma,
R/o Kaputhang Busty, P.O Bering,
P.S Pakyong, East Sikkim.
89. Hasta Bahadur Rai aged about 45 years,
S/o Prasad Rai, R/o Gaucharan Busty, P.O
Assamlingzey
& P.S Ranipool, East Sikkim.
90. Bhim Kumari Chhetri aged 47 years,

W/o Bala Ram Chhetri, R/o Tashiding,
P.O Sinek & P.S Geyzing, West Sikkim.

91. Manorath Sharma, aged about 49 years,
S/o Late Hari Lall Sharma,
R/o Lunchok Busty,
P.O & P.S Sombaria, West Sikkim.

92. Sabitri Chettri, aged about 51 years,
W/o Manorath Sharma, R/o Lunchok Busty,
P.O & P.S Sombaria, West Sikkim.

93. Lok Nath Sharma, aged about 51 years,
S/o Late Tila Ram Sharma, R/o Tarku Busty,
Zero Mile, P.S Temi, South Sikkim

94. Harka Raj Subba, aged about 48 years,
S/o Late Ram Sher Subba, R/o Rumbuk,
P.O & P.S Sombaria, West Sikkim.

95. Lhahangma Subba, aged 34 years,
W/o Lall Bahadur Chettri,
R/o Daramdin Busty, P.O Daramdin
& P.S Sombaria, West Sikkim.

96. Jayanti Chettri, aged about 48 years,
W/o Mahendra Silwal, R/o Jorethang,
P.O & P.S Jorethang, South Sikkim.

97. Kul Prasad Chettri, aged 52 years,
S/o Late Kharga Singh Chettri,

R/o Tashiding, P.O. Sinek &
P.S Geyzing, West Sikkim.

98. Krishna Bahadur Chettri, aged 55 years,
S/o Shri Lall Bahadur Chettri,
R/o Tashiding, P.O Sinek &
P.S Geyzing, West Sikkim

99. Kirta Bahadur Chhetri, aged 48 years,
S/o Late Kharga Singh Chhetri,
R/o Tashiding, P.O Sinek &
P.S Geyzing, West Sikkim.

100 Parasmani Dahal, aged 55 years,
S/o Late Narad Mani Dahal,
R/o West Pandam, Mamjey,
P.O Ralong, P.S. Singtam, East Sikkim.

101. Erastus Lepcha, aged 40 years,
S/o Shri P.T Lepcha, R/o Chakung Busty,
P.O Chakung & P.S Soreng, West Sikkim.

102. Suk Bir Subba, aged about 46 years,
S/o Late It Man Subba, R/o Tharpu Busty,
P.O Tharpu & P.S. Soreng, West Sikkim.

103. Dawa Tshering Lepcha, aged 46 years,
S/O Late Taral Lepcha,
R/o Rupsang Busty, P.O
Chakung & P.S. Soreng, West Sikkim.

104. Tika Ram Bista, aged about 40 years,
S/o Parsuram Bista,
R/o Hec Yangthang Busty,

P.O Hee Bazar & P.S Kaluk, West Sikkim.

105. Samten Lepcha, aged about 47 years.

S/o Late Kadup Lepcha, R/o Phamtam, P.O
Phamtam, P.S Phodong, North Sikkim.

106. Buddha Raj Subba. age 49 years.

S/O Late Purna Bahadur subba, R/O Sawney
Busty, P.O & P.S Singtam, East Sikkim.

107. Sahadeo Rai. aged about 48 years.

S/o Late Man Bahadur Rai, R/o Zero Point,
Ranka Dhazey, P.O Ranka & P.S Ranipool,
East Sikkim.

108. Poonam Tewari, aged 43 years,

D/o Shri G.P. Tiwari, R/o Pakyong,
P.O & P.S Pakyong
East Sikkim.

109. Purna Bahadur Subba

aged 50 years,

S/o. Nar Bahadur Subba.

R/o. Tharpu Busty, P.O Tharpu
& P.S. Soreng, West Sikkim.

110. Phurmit Lepcha, aged about 29 years.

D/o Late Passang Lepcha,

R/o Upper Barfok,

P.O Sankalang, P.S Mangan,
North Sikkim.

111. Chochen Lepcha aged 52 years,
S/o Rinzing Lepcha, R/o Phensong,
P.O Phensong & P.S Phodong,
North Sikkim.
112. Sangay Bhutia, aged 38 years,
W/o Shri Iswar Chettri,
R/o 7th Mile Samdur,
P.O & P.S Ranipool,
East Sikkim.
113. Nandalal Sharma, aged 51 years,
S/o Late Chandr Lall Sharma,
R/o Dugalakha Busty, P.O & P.S
Pakyong, East Sikkim.
114. Chitra Lall Chettri, aged 47 years,
S/o Dilli Ram Chettri,
R/o Kewzing Dalep,
P.O Kewzing & P.S Ravangla,
South Sikkim.
115. Kewal Prasad Nepal, aged 55 years,
S/o Shri Narad Nepal,
R/o Tintek Busty, P.O Rakdong
& P.S. Gangtok, East Sikkim
116. Chandra Bahadur Tamang,
Aged about 45 years,
S/o Late Ratna Dorjee Tamang
R/o Majuwa Busty,
P.O Aruboley & P.S Soreng,
West Sikki
117. Dorjee Singh Tamang, aged 55 years,

S/o Late Kharka Singh Tamang,
R/o Chalamthang Busty,
P. O. & P. S. Pakyong, East Sikkim.

118. Jiwan Kumar Chettri,
Aged about 48 years,
S/o Late Pukman Chettri,
R/o Martam Busty, P. O. Bermiok
Bazaar & P. S. Kaluk,
West Sikkim. ----- Appellants.

-VERSUS-

1. State of Sikkim,
Through Chief Secretary,
Government of Sikkim,
Secretariat, Gangtok, East Sikkim.
2. The Principal Secretary,
Human Resources Development Department,
Government of Sikkim,
Gangtok, East Sikkim.
3. The Deputy Secretary,
Human Resources Development Department,
Government of Sikkim,
Gangtok, East Sikkim. ----- Respondents.

PETITIONER

ADVOCATE (S)

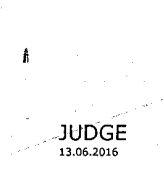
FOR ----- Mr. Aarohi Bhalla and Ms. Rachhitta Rai.

RESPONDENT

ADVOCATE (S)

FOR ----- Mr. J. B. Pradhan, Addl. Advocate General, Mr. Karma
Thinlay, Sr. Govt. Advocate, Mr. S. K. Chettri and Ms.
Pollin Rai Asst. Govt. Advocate.

Case No.....

Serial No.	Date	Order (s) with Signature (s)
1	2	3
04.	13.06.2016 (S.K. Agnihotri, J)	WA No. 01 of 2015 Lazong Bhutia & Ors. Vs State of Sikkim & Ors. <u>BEFORE</u> HON'BLE MR. JUSTICE S. K. AGNIHOTRI, JUDGE HON'BLE MRS. JUSTICE MEENAKSHI MADAN RAI, JUDGE Present: Ms. Rachhita Rai, Advocate for the Appellants. Appellant No.6 in person. Mr. J. B. Pradhan, Additional Advocate General with Mr. Karma Thinlay Namgyal, Senior Government Advocate with Mr. S. K. Chettri, Assistant Government Advocate and Mr. Bhusan Nepal, Advocate (Legal Retainer, HRDD) for State-Respondents. ----- Ms. Rachhita Rai, Learned Advocate appearing for the Appellants, seeks permission, on instruction, to withdraw the instant appeal with liberty to file a fresh one, if need arises. An endorsement to this effect has already been made. Resultantly, the appeal is dismissed as withdrawn with aforestated liberty.  JUDGE 13.06.2016  JUDGE 13.06.2016

Index : Yes/No

ds/to Internet : Yes/No