

W. P. (C) No. **20** OF 2015

1. Shri Kunga Nima Lepcha,
S/o Late C. B. Lepcha,
R/o Upper Tathangchen,
P. O. Raj Bhawan, P. S. Gangtok,
East Sikkim, Sikkim.
2. Timothy William Basnett,
S/o Shri I. K. Basnett,
R/o Daragaon, Tadong,
East Sikkim, Sikkim.
3. Gopal Baraily,
S/o Shri Habbu Baraily,
R/o Rangpo,
East Sikkim.
4. Ugen Nedup Bhutia,
S/o Shri Dawa Tshering Bhutia,
R/o Phensang Busty,
North Sikkim, Sikkim.
5. Sonam Lama,
S/o Late Chung Tshering Bhutia,
R/o Simick Lingzy,
East Sikkim, Sikkim.
6. Shyam Pradhan,
S/o Late Karna Lal Pradhan,
R/o Sang Bazar,
East Sikkim, Sikkim.
7. Prem Singh Tamang,
S/o Shri Kaloo Singh Tamang,
R/o Lumsey Busty, 5th Mile,
P. O. Tadong,
East Sikkim, Sikkim.
8. Taraman Rai,
S/o Late Hangjit Rai,
R/o Ranipool, Marchak,
East Sikkim.
9. Sonam Wangdi Bhutia,
S/o Late Sharki Bhutia,
R/o Hotel Rendezvous,
Gangtok, East Sikkim.

10. Lalit Sharma,
S/o Late Indra Prasad Sharma,
R/o Tarku, South Sikkim.
11. Labzong Bhutia,
S/o Late Akhey Tshering Bhutia,
R/o Hospital Road,
P. O. Ravangla, South Sikkim.
12. Dawa Lepcha,
S/o Shri Lhazang Lepcha,
R/o Lingdong,
P. O. Sankalang, Dzongu, North Sikkim.
13. Pawan Kumar Gurung,
S/o Late D. B. Gurung,
R/o Nam Nang, Gangtok East Sikkim.
14. Kamal Neopanev,
S/o Pravakar Neopanev,
R/o Lower Sichey,
Gangtok, East Sikkim. ----- Petitioners.

-VERSUS-

1. The State of Sikkim,
Through the Chief Secretary,
Having his office at
Tashiling, Gangtok
East Sikkim, Sikkim.
2. Union of India,
Ministry of Home
Through Secretary,
North Block, New Delhi - 110 001.
3. The Director,
Central Bureau of Investigation (CBI),
Having its office at CGO Complex,
Lodhi Road, New Delhi.
4. Jt. Director,
Central Bureau of Investigation,
Government of India,
Nizam Palace, 2nd MSO Building,
15th Floor 234/1, A J C Bose Road,
Kolkata - 700 020. ----- Respondents.

*5. Department of
Personnel and Training,
Ministry of Personnel, Public
Grievance and Pension,
Through its Secretary,
Union of India, North
Block, New Delhi*

PETITIONER
ADVOCATE (S)
FOR ----- Mr. Kausik Chatterjee and Mr. Ashok Subba.

RESPONDENT
ADVOCATE (S)
FOR ----- Mr. J.B. Pradhan, Addl. Advocate General,
Mr. S. K. Chettri, Asst. Govt. Advocate,
Ms. Pollin Rai, Asst. Govt. Advocate.

Case No.

Serial No.	Date	Order (s) with Signature (s)
1	2	3
13.	26.09.16	W.P.(C) No. 20/2015 Kunga Nima Lepcha & Ors. Vs. State of Sikkim & Ors. BEFORE MR. JUSTICE SATISH K. AGNIHOTRI, CJ. Present: Mr. Ashok Subba, Advocate for the Petitioners. Mr. J.B. Pradhan, Addl. Advocate General with Mr. S.K. Chettri and Ms. Pollin Rai, Asstt. Govt. Advocates for Respondent No. 1. Mr. Thinlay Dorjee Bhutia, Advocate for Respondent No. 2. Mr. Ashraf Ali, Advocate for Respondents No. 3, 4 and 5. <u>IA No. 3/2016</u> This is an application on behalf of the Ministry of Home Affairs, Govt. of India, seeking deletion of Department of Home from the array of parties. The dispute involved herein as evident from the reliefs sought for is as - to whether provisions of Section 6 of the Delhi Special Police Establishment Act, 1946 is unconstitutional and violative of Article 14 of the Constitution of India? The stand taken by the Home Department that the Central Bureau of Investigation (CBI) functions under the Department of Personnel Training of Ministry of Personnel, Public Grievances and Pensions, Government of India, is not supported by the respondents/ CBI, as clear stand of CBI is that the CBI is established by the Ministry of Home Affairs, Government of India, vide Resolution No. 4/31/61-

Case No.

Serial No.	Date	Order (s) with Signature (s)
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		T dated 1st April, 1963 and functions under the Ministry of Home Affairs. It is further brought to the notice that the DoPT is concerned with the appointment of officers in various Departments working in the Central Government. In such view of the matter, the application made by Ministry of Home Affairs (R-2) for deletion is misplaced and misconceived. Accordingly, it is rejected. On request of learned counsel appearing for the respondents, further, four weeks' time is granted to file reply on merit. Two weeks', thereafter, to the petitioners to file rejoinder, if any. After filing of the reply and rejoinder, as aforestated, the petitioner is directed to take necessary steps for preparation of proper paper-book. Call on 21.11.2016  Chief Justice 26.09.2016

jk/to
Index : Yes / No
Internet : Yes / No