

HIGH COURT OF SIKKIM

Record of Proceedings**W.P.(C) No.24 of 2020**

BIJAY KUMAR PRADHAN AND OTHERS

PETITIONERS

VERSUS

STATE OF SIKKIM AND OTHERS

RESPONDENTS

Date: 03.06.2022

CORAM:

THE HON'BLE MRS. JUSTICE MEENAKSHI MADAN RAI, JUDGE

For Petitioners

Mr. A. Moulik, Senior Advocate.

Mr. Ranjit Prasad, Advocate.

Mr. Simeon Subba, Advocate.

For Respondents

R-1 & R-2

Mr. Thinlay Dorjee Bhutia, Government Advocate.

R-2A

Mr. Bhusan Nepal, Advocate.

R-3, R-4, R-6 to R-18 &
R-20 to R-27

Ms. Gita Bista, Advocate.

Ms. Pratikcha Gurung, Advocate.

R-5

None.

O R D E R

1. Learned Counsel for the Petitioners by filing an affidavit dated 31-05-2022 submitted that Rs.20,000/- (Rupees twenty thousand) only, in cash, has been deposited with the Sikkim State Legal Services Authority, as costs, in compliance of the Order of this Court dated 24.05.2022.

2. I.A. No.6 of 2022 is an application filed by the Respondents No.3, 4, 6 to 18 and 20 to 27 seeking to place documents on record.

The application is not opposed by other parties.

Documents are taken on record.

I.A. No.06 of 2022 stands disposed of accordingly.

3. I.A. No.07 of 2022 filed by the Petitioners stands disposed of as the Order of this Court dated 06-05-2022 having been complied with.

4. I.A. No.08 of 2022 is an application filed by the Petitioners under Order VI Rule 17 of the Code of Civil Procedure, 1908, seeking

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to amend the Writ Petition by insertion of a Prayer as proposed at Paragraph (c)(i) reflected in the application.

The application is vehemently opposed by Learned Counsel for the Respondents No.3, 4, 6 to 18 and 20 to 27 on grounds that the Writ Petition was filed two years ago and at this stage the Petitioners are seeking to amend it.

Learned Government Advocate for Respondents No.1 and 2 also objects to the application by submitting that the Notification reflected in the proposed amendment, i.e., Notification No.06/GEN/DOP, dated 11-04-2015, was already reflected in the amended Counter-Affidavit filed by Respondent No.1, dated 20-04-2021.

Considered submissions.

In the interest of justice, the application is allowed and disposed of accordingly.

Let amended Writ Petition be filed.

5. For the sake of convenience, the following details are being noted;

(i) The Writ Petition was initially filed on 04-08-2020.

(ii) Amended Writ Petition was filed on 28-08-2020 before the Counter-Affidavit could be filed.

(iii) Amended Counter-Affidavits was filed by the State-Respondents No.1 on 20-04-2021 and by the Respondent No.2A on 20-04-2021 and Respondents No.3, 4, 6 to 18 and 20 to 27 on 09-07-2021.

(iv) Rejoinders were filed by the Petitioner, to the Counter-Affidavit of the Respondents No.1 and 2 on 27-07-2021 and Respondents No.3, 4, 6 to 18 and 20 to 27 on 17-08-2021 respectively, through e-filing.

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(v) Additional Rejoinder was sought to be filed by the Petitioners by a prayer made before this Court on 13-12-2021 by inserting certain points in the Rejoinder and Additional Affidavit was filed by the Petitioner through e-filing on 18-04-2022.

(vi) Order of this Court dated 20-04-2022 reflects that although Rejoinder (sic, Additional Affidavit) was filed through e-filing by Learned Senior Counsel for the Petitioners by inserting certain points, it was lying in the Registry with defects.

(vii) Additional Affidavit was finally filed by the Petitioners on 04-05-2022. However, in the interim, Respondents No.3, 4, 6 to 18 and 20 to 27 filed rebuttal on 05-05-2022 to the Additional Affidavit of the Petitioners dated 18-04-2022 reflected in the Order of this Court dated 20-04-2022.

(viii) Today, Learned Senior Counsel by filing Additional Rejoinder dated 31-05-2022 does not press the earlier Additional Affidavit dated 18-04-2022.

(ix) In such a circumstance, Learned Counsel for the Respondents No.3, 4, 6 to 18 and 20 to 27 withdraws her earlier rebuttal dated 05-05-2022 with a verbal prayer seeking to file additional rebuttal to the Additional Rejoinder dated 31-05-2022.

(x) Considered, let rebuttal be filed within a week from today.

6. The amendment Writ Petition shall be filed within a week from today. Counter-Affidavits be filed within a week thereafter.

7. List on 27-06-2022.

Judge
03.06.2022