

High Court of Sikkim

Record of proceedings

WP(C) No.24 of 2020

Bijay Kumar Pradhan and Others

Petitioners

VERSUS

State of Sikkim and Others

Respondents

Date : 26-11-2020

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

For Petitioners Mr. Jorgay Namka, Advocate.

For Respondents

R-1 & R-2

Mr. Sudesh Joshi, Additional Advocate General.
Mr. Thinlay Dorjee Bhutia, Government Advocate.

2A

Mr. Karma Sonam Lhendup, Legal Retainer.

**R-3 to R-18,
R-20 to R-27**

Mr. N. B. Khatiwada, Senior Advocate.
Ms. Gita Bista, Advocate.

ORDER

The Petitioners are Engineers by profession employed in various Departments of the Government of Sikkim and are Diploma holders in Engineering.

Respondents No.1 and 2 are State-Respondents, Respondent No.2A is the State Public Service Commission. Respondents No.3 to 27 are Engineers being Degree holders, some holding the degree of B.E. while others are B.Tech.

The Petitioners are now aggrieved by the act of the State-Respondents in placing the Respondents No.3 to 27 above them in the seniority ranking. The Petitioners contend that they are senior in service having been recruited between the years 1993 and 1995, whereas the Respondents No.3 to 27 were recruited between the years 2002 and 2006. Hence, the prayers in the Writ Petition.

Learned Government Advocate seeks further four weeks' time to file Counter-Affidavit on behalf of Respondents No.1 and 2.

Learned Counsel appearing for Respondents No.2A and Learned Counsel for Respondents No.3 to 27, except Respondent

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No.19, undertake to file Vakalatnama in the interregnum and seek time to file their respective Counter-Affidavits.

Learned Senior Counsel appearing for Respondents No.3 to 18 and 20 to 27, submits that Respondent No.19 has since passed away. Learned Counsel for the Petitioners submits that he too has also learnt that Respondent No.19 has passed away.

As agreed to by Learned Counsel for both parties the name of the Respondent No.19 be struck off from the array of Respondents. The numbering of the other Respondents will continue to be the same even after deletion of the name of Respondent No.19.

Let Counter-Affidavits be filed within four weeks. Rejoinder, if any, two weeks' thereafter.

List on 23-04-2021.

Judge
26-11-2020

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