

IN THE HIGH COURT OF SIKKIM
CIVIL EXTRA ORDINARY JURISDICTION

W. P. (C) No. 32 OF 2016

Ms. Smriti Rai,
R/o Kopchey,
Namchi, South Sikkim. ----- Petitioner.

-VERSUS-

1. State of Sikkim,
Represented by and through the Chief Secretary,
Government of Sikkim,
Gangtok, Sikkim.
2. Human Resource Development Department,
Represented by and through its Secretary,
Government of Sikkim,
Gangtok, Sikkim.
3. The Chief Administrator,
State Institute of Capacity Building,
Karfector, South Sikkim. ----- Respondents.

PETITIONER

ADVOCATE (S)

FOR ----- Mr. S. S. Hamal, Mr. Tashi Wongdi Bhutia,
Ms. Bhawana Chhetri and Ms. Dechen Bhutia.

RESPONDENT

ADVOCATE (S)

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

Case No.....

Serial No.	Date	Order (s) with Signature (s)
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01.	28.07.16	W.P.(C) No. 32/2016 Smriti Rai vs. State of Sikkim & Ors. BEFORE MR. JUSTICE SATISH K. AGNIHOTRI, ACJ. Present: Mr. S.S. Hamal, Mr. Tashi Wongdi Bhutia and Ms. Dechen Bhutia, Advocate for the Petitioner. Mr. J.B. Pradhan, Addl. Advocate General with Mr. Karma Thinlay, Sr. Govt. Advocate and Ms. Pollin Rai, Asstt. Govt. Advocates for the Respondents. ... As submitted by learned counsel appearing for the petitioner, the petitioner was awarded a contract to run a Hostel Mess of State Institute of Capacity Building (SICB) at Karfectar, Jorethang, South Sikkim for a term of three years vide Work Order dated 20.01.2010. On completion of the said period, the contract was renewed for a further period of three years, vide Work Order dated 20.02.2013. On completion of the said period, Notice inviting tender was issued, calling for tender bids on or before 3rd March, 2016. In response to such NIT, the petitioner submitted her application, which was accepted and the petitioner was allowed to continue for running the aforestated Mess. The rent amount was also deducted for the period of 3 months from April, 2016 till June, 2016. All of sudden, without any show cause notice, petitioner was informed vide termination notice dated 30.06.2016 that her contract

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		stands terminated on completion of one month notice period. Learned counsel for the petitioner would contend that the contract of the petitioner was terminated on the ground of non-supply of good meal, without affording an opportunity to put forward her case and explain the allegations, which is violative of principles of natural justice. Issue notice. Ms. Pollin Rai, learned counsel assisting Mr. J.B. Pradhan, learned Additional Advocate General, accepts notice on behalf of the Respondents and is granted one weeks' time to seek instructions and file appropriate counter affidavit. In the meantime, status quo in respect of running of the Mess/Canteen shall continue till the next date of hearing. However, it is made clear that the petitioner will maintain the quality of the foods supplied to the inmates of the hostel. List on 10.08.2016. Acting Chief Justice 28.07.2016

jk/to

Index : Yes / No
Internet : Yes / No