

**IN THE HIGH COURT OF SIKKIM
CIVIL EXTRA ORDINARY JURISDICTION**

W. P. (C) No. 36 OF 2016

1. Ashish Subba,
Son of Lall Bdr. Subba,
Resident of Dentam Bazar,
West Sikkim.
2. Suman Pradhan,
Son of Lt. Surja Pradhan,
Resident of Hee Bazar, West Sikkim.
3. Passang Sherpa,
Son of Dukpa Sherpa,
Resident of 2nd Mile, Upper Chandmari,
J.N Road, East Sikkim.
4. Prakash Tamang,
Son of Lt. C.B Tamang,
Resident of Near District Court,
Upper Sichey, East Sikkim.
5. Atul Subba,
Son of Lt. J.L Subba,
Resident of Bermiok Bazaar,
West Sikkim.
6. Tenzing Dorjee Bhutia,
Son of Nim Dorjee Bhuta,
Resident of Lower Chandmari,
J.N Road, East Sikkim.
7. Passang Tshering Bhutia,
Son of Lt. Dorjee Bhutia,
Resident of Lower Tadong,
East Sikkim.
8. Rinzing Namgyal Bhutia,
Son of Passang Tshering Bhutia,
Resident of Kyongsa, Near
Power Colony, Gyalshing,
West Sikkim.
9. Sajal Chettri,
Son of Dak Man Chettri,
Resident of Namphing,
South Sikkim.

10. Bikash Pradhan,
Son of Lt. Narendra Pradhan,
Resident of Ranipool Bazaar,
East Sikkim.
11. Usha Kiran Pradhan,
Daughter of Tulsi Pradhan,
Resident of Tibet Road, Gangtok,
East Sikkim.
12. Chang Chup Dolma Bhutia,
Daughter of Lt. Tenzing Bhutia,
Resident of Sundargaon, Tadong,
East Sikkim.
13. Phur Tshering Sherpa,
Son of Dawa Tshering Sherpa,
Resident of Upper Thambong,
Sombaria, West Sikkim.
14. Jimila Bhutia,
Daughter of Lobzang Bhutia,
Resident of Hospital Road,
Rabongla, South Sikkim.
15. Shamsa Pakimoo (Lepcha),
Son of Lhagay Lepcha,
Resident of Above DAC Road, Pentok
Mangan Bazaar, North Sikkim.
16. Chomu Bhutia,
Daughter of P.T. Bhutia,
Resident of Rongli,
East Sikkim.
17. Nikash Pradhan,
Son of Manoj Kumar Pradhan,
Resident of Rhenock Pacheykhani,
East Sikkim.
18. Anand Nepal,
Son of S.K Sharma,
Resident of Dickling Pacheykhani,
East Sikkim.
19. Chetan Gurung,
Son of K.B Gurung,
Resident of College Valley, Tadong,
East Sikkim.
20. Dawaden Bhutia,
Son of Adup Bhutia,
Resident of Samlik Marchak,
Ranipool, East Sikkim.
21. Thupden Palzang Bhutia,
Son of Lt. Karma Choden Bhutia

22. Layzang Bhutia,
Son of Palden Tshering Bhutia,
Resident of Dokham Building,
Namchi, South Sikkim.
23. Sangay Ongda Bhutia,
Son of Mingma Bhutia,
Resident of Chandmari,
Bhusuk Road,
Gangtok, East Sikkim.
24. Meena Gurung,
Daughter of Krishna Bahadur Gurung,
Resident of Phamtam Ravangla,
South Sikkim.
25. Pranisha Ruchal,
Daughter of Lt. Garjaman Ruchal,
Resident of Upper Sichey,
Co-Operative Road,
Gangtok, East Sikkim.
26. Tshering Choden Bhutia,
Daughter of Chultim Bhutia,
Resident of Sinek Bazaar,
Lasso Tashiding, West Sikkim.
27. Crosby Bhutia,
Son of P.T Bhutia,
Resident of Pelling,
West Sikkim.
28. Yogesh Subba,
Son of Dhan Bahadur Subba,
Resident of Lower Thambong,
Sombaria, West Sikkim.
29. Neeka Tamang,
Daughter of Dilip Tamang,
Resident of Pipalay, West Sikkim.
30. Deepa Kapil,
Daughter of N.B Kapil,
Resident of College Valley,
Tadong, East Sikkim.
31. Anurag Pradhan,
Son of Narayan Pradhan,
Resident of Namchi Bazar,
South Sikkim.
32. Manjana Gurung,
Daughter of Lt. Bishnu Prasad Gurung,
Resident of Dentam Bazar,
West Sikkim.

-
33. Anita Pradhan,
Daughter of Atma Prakash Pradhan,
Resident of Sinek Tashiding Bazar,
West Sikkim.
34. Sherab Gyatso Bhutia,
Son of P.T. Bhutia,
Resident of Chandmari,
Bhusuk Road,
Gangtok, East Sikkim.
35. Bishnu Tamang,
Son of B.B. Tamang,
Resident of Upper Arithang,
Gangtok, East Sikkim.
36. Narendra Kumar Pradhan,
Son of H.B. Pradhan,
Resident of Maskey Bhawan,
Sisa Golai, Gangtok,
East Sikkim.
37. Yankee Lamu Bhutia,
Daughter of Gyalpo Bhutia,
Resident of Near D.G. Bunglow,
Tathangchen, Raj Bhawan.
38. Bipin Lama,
Son of Lt. Dr. Biren Lama,
Resident of Yonzon Niwas,
Below Palzor Stadium,
Gangtok, East Sikkim.
39. Sonam Thendup Bhutia,
Son of Karma Pintso Chopel Bhutia,
Resident of Upper Tathangchen,
East Sikkim.
40. Rupesh Basnett,
Son of Lt. Chandra Bahadur Basnett,
Resident of Mallbasey Busty,
Soreng, West Sikkim.
41. Arpan Dhakal,
Son of Muktinath Dhakal,
Resident of Assam Linzey,
Daragaon, East Sikkim.
42. Himalaya Gautam,
Son of S.K. Gautam,
Resident of Bahai School Road,
Tadong, East Sikkim.

43. Rukmani Pradhan,
Daughter of C.K Pradhan,
Resident of Daragaon,
Upper Tadong, East Sikkim.
44. Chodenia Bhutia,
Daughter of P.C Bhutia,
Resident of Kingstone,
Near Govt. Sec. School,
Rhenock, East Sikkim.
45. Rosan Gurung,
Son of Mohan Gurung,
Resident of Bhutia Busty,
Namchi, South Sikkim.
46. Neelam Chettri,
Daughter of Lt. B.B Chettri,
Resident of Pakyong-Namcheybong,
East Sikkim.
47. Sangam Rai,
Son of Lt. S.R Rai,
Resident of Chumbong, Via
Nayabazar, Soreng
West Sikkim.
48. Dikshi Tamang,
Daughter of Lt. Prakash Tamang,
Resident of Soreng, West Sikkim.
49. Suren Subba,
Son of M.B Subba,
Resident of Singling – Soreng,
West Sikkim.
50. Sonam Lendup Lachungpa,
Son of Chunda Tsarchen Lachungpa,
Resident of Lachung - Fhaka,
North Sikkim.
51. Passang Chopel Lepcha,
Son of Marching Lepcha,
Resident of Upper Rakdong,
East Sikkim.
52. Sonam Palzor Laripa,
Son of Chungluk Bhutia,
Resident of Sang Phegyong,
East Sikkim.
53. Shan Hang Subba,
Son of Dhan Raj Subba,
Resident of Sombaria Bazar,
West Sikkim.

Case No.....

Serial No.	Date	Order (s) with Signature (s)
1	2	3
		W.P. (C) No. 36/2016 Ashish Subba & Ors. vs. State of Sikkim & Ors. BEFORE MR. JUSTICE SATISH K. AGNIHOTRI, ACJ. 01. 31.08.16 Present: Mr. A. Moulik, Sr. Advocate with Ms. K. D. Bhutia and Mr. Ranjit Prasad, Advocates for the Petitioners. Mr. Karma Thinlay, Senior Government Advocate with Mr. Santosh Kr. Chettri, Mrs. Pollin Rai, Asstt. Government Advocates and Mrs. Sangita Pradhan, Advocate, for State-Respondents. ... Assailing the validity, legality and correctness of the Notice No.152/SPSC/EXAM/2016 dated 17.08.2016, where-under the Sikkim Public Service Commission has invited applications from the eligible temporary employees working as Junior Engineer (Civil) in various departments on ad-hoc/contract basis for filling up of 104 posts in regular establishment, Mr. A. Moulik, learned Senior Counsel, appearing for the Petitioners, submits that the Notification is erroneous as on the earlier occasion vide Notification No.196/GEN/DOP dated 22.07.2013, the Government has taken a policy decision to regularize all work-charged/MR/ad-hoc and consolidated employees working in the Government departments for the last more than five years in their respective departments. It is also contended that the impugned Notification is discriminatory and arbitrary. Mr. Moulik would further contend that all the Petitioners have completed five years of service and as such, under the Notification dated 22.07.2013, they are entitled to be regularized like other similarly situated work-

Case No..... ,

Serial No.	Date	Order (s) with Signature (s)
1	2	3
		charged/MR/ad-hoc employees, who have been regularized without going through any screening or test. Issue notice, returnable in two weeks'. Mrs. Pollin Rai, learned Assistant Government Advocate assisting Mr. Karma Thinlay, learned Senior Government Counsel, accepts notice on behalf of Respondents 1, 2 and 3. Issue notice to Respondent No. 4. In addition, 'dasti' is permitted. Necessary requisites may be filed within three days. All the steps taken pursuant to the impugned Notification shall be subject to the order passed by the Court, hereinafter. In the event, the Petitioners, keeping in view the last date, make applications in response to the impugned Notification, the same shall not amount to acquiescence of their rights to be agitated in the petition, as it is without prejudice to their rights and contentions. List on 23.09.2016. <i>sd-</i> Acting Chief Justice 31.08.2016

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