

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

W. P. (C) No.

42

OF

2016

1. Mr. Mandeep Sunwar,
Jr. Supervisor,
Roads & Bridges Department,
Government of Sikkim, East District.
2. Ms. Dil Kumari Limboo,
Jr. Supervisor,
Roads & Bridges Department,
Government of Sikkim, East District.
3. Mr. Ratna Bahadur Gurung,
Jr. Supervisor,
Roads & Bridges Department,
Government of Sikkim, West District.
4. Jit Bahadur Gurung,
Jr. Supervisor,
Roads & Bridges Department,
Government of Sikkim, West District.
5. Mr. Santa Bir Kami,
Jr. Supervisor,
Roads & Bridges Department,
Government of Sikkim, West District.
6. Mr. Ongdup Tshering Lepcha,
Office Assistant,
Roads & Bridges Department,
Government of Sikkim, West District.
7. Mr. Mani Lall Limboo,
Jr. Supervisor,
Roads & Bridges Department,
Government of Sikkim, West District.

8. Mr. Gyalpo Bhutia,
Jr. Supervisor,
Roads & Bridges Department
Government of Sikkim,
East District.
9. Mr. Namgyal Bhutia,
Jr. Supervisor,
Roads & Bridges Department
Government of Sikkim,
East District.
10. Mr. Nim Tshering Bhutia,
Jr. Supervisor,
Roads & Bridges Department
Government of Sikkim,
East District.
11. Ms. Chumpi Rai,
Jr. Supervisor,
Roads & Bridges Department
Government of Sikkim,
East District.
12. Mrs. Pelzong Bhutia,
Jr. Supervisor,
Roads & Bridges Department
Government of Sikkim,
East District.
13. Mr. Norzing Bhutia,
Jr. Baïdar,
Roads & Bridges Department
Government of Sikkim,
East District.
14. Mr. Bharat Kumar Gurung,
Jr. Supervisor,
Roads & Bridges Department
Government of Sikkim,
East District.
15. Mrs. Bimla Gazmer,
Jr. Supervisor,
Roads & Bridges Department

Government of Sikkim,
East District.

16. Mr. Phurba Sherpa,
Jr. Supervisor,
Roads & Bridges Department
Government of Sikkim,
East District.
17. Ms. Anita Chettri,
Jr. Supervisor,
Roads & Bridges Department
Government of Sikkim,
East District.
18. Mr. Sancha Lall Limboo,
Jr. Supervisor,
Roads & Bridges Department
Government of Sikkim,
West District.
19. Mr. Karna Bdr. Mangar,
Bridges Chawkidar,
Roads & Bridges Department
Government of Sikkim,
West District.
20. Mr. Pritam Chettri,
Jr. Supervisor,
Roads & Bridges Department
Government of Sikkim,
East District.
21. Mr. Bal Kr. Chettri,
Jr. Supervisor,
Roads & Bridges Department
Government of Sikkim,
West District.
22. Mr. Santa Kr. Chettri,
Jr. Supervisor,
Roads & Bridges Department
Government of Sikkim,
West District.

23. Mr. Daya Ram Sharma,
Jr. Baidar,
Roads & Bridges Department
Government of Sikkim,
West District.
24. Mr. Durga Psd. Gurung,
Jr. Supervisor,
Roads & Bridges Department
Government of Sikkim,
West District.
25. Mr. Phurba Tshering
Lepcha, Jr. Supervisor,
Roads & Bridges Department
Government of Sikkim,
West District.
26. Mr. Dowden Rai,
Jr. Supervisor,
Roads & Bridges Department
Government of Sikkim,
South District.
27. Ms. Budha Rani Subba,
Jr. Supervisor,
Roads & Bridges Department
Government of Sikkim,
West District.
28. Mr. Dawa Pintso Lepcha,
Jr. Supervisor,
Roads & Bridges Department
Government of Sikkim,
West District.
29. Mr. Lal Bdr. Tamang,
Jr. Supervisor,
Roads & Bridges Department
Government of Sikkim,
West District.
30. Mrs. Mamta Bhutia,
Jr. Supervisor,
Roads & Bridges Department

Government of Sikkim,
West District.

31. Mr. Lila Ram ShivaKoti,
Jr. Supervisor,
Roads & Bridges Department
Government of Sikkim,
East District.
32. Mr. Prakash Thatal
(Darjee), Jr. Supervisor,
Roads & Bridges Department
Government of Sikkim,
South District.
33. Mr. Jiwan Manger,
Jr. Supervisor,
Roads & Bridges Department
Government of Sikkim,
West District.
34. Mr. Kharka Bdr. Limboo,
Jr. Supervisor,
Roads & Bridges Department
Government of Sikkim,
West District.
35. Prem Kr. Mangar,
Jr. Supervisor,
Roads & Bridges Department
Government of Sikkim,
West District.
36. Mr. Maita Bir Subba,
Jr. Supervisor,
Roads & Bridges Department
Government of Sikkim,
West District.
37. Mrs. Kaushila Gurung ,
Jr. Supervisor,
Roads & Bridges Department
Government of Sikkim,
East District.

38. Mr. Nim Tshering Bhutia,
Jr. Supervisor,
Roads & Bridges Department
Government of Sikkim,
East District.
39. Mr. Jarman Kami,
Jr. Supervisor,
Roads & Bridges Department
Government of Sikkim,
West District.
40. Mr. Mahindra Gurung,
Jr. Supervisor,
Roads & Bridges Department
Government of Sikkim,
West District.
41. Ms. Bina Kumari Limboo,
Jr. Supervisor,
Roads & Bridges Department
Government of Sikkim,
West District.
42. Mr. Dhan Bdr. Rai,
Masson II,
Roads & Bridges Department
Government of Sikkim,
West District.
43. Mr. Santa Bdr. Rai,
Jr. Masson II,
Roads & Bridges Department
Government of Sikkim,
West District.
44. Mr. Pemba Rinzing Sherpa,
Jr. Supervisor,
Roads & Bridges Department
Government of Sikkim,
West District.
45. Mr. Chung Chung Bhutia,
Jr. Supervisor,
Roads & Bridges Department

Government of Sikkim,
East District.

46. Mr. Kharka Bir Dahal,
Jr. Supervisor,
Roads & Bridges Department
Government of Sikkim,
West District.
47. Mr. Deo Man Rai,
Jr. Supervisor,
Roads & Bridges Department
Government of Sikkim,
West District.
48. Mr. Dhan Bdr Warki,
Jr. Supervisor,
Roads & Bridges Department
Government of Sikkim,
South District.
49. Mr. Durga Psd. Rai,
Jr. Supervisor,
Roads & Bridges Department
Government of Sikkim,
West District.
50. Mr. Namgyal Bhutia,
Jr. Supervisor,
Roads & Bridges Department
Government of Sikkim,
East District.
51. Mr. Durga Lall Shanker,
Jr. Bulldozer Operator,
Roads & Bridges
Department,
Government of Sikkim,
West District.
52. Ms. Sushma Sharma,
Field Assistant,
Food Security &
Agriculture Development
Department

Government of Sikkim,
West District.

53. Mr. Om Bikram Rizal,
Jr. Field Assistant,
Food Security &
Agriculture Development
Department
Government of Sikkim,
East District.

54. Miss Karma Cheday Bhutia,
Office Attendant,
Food Security &
Agriculture Development
Department
Government of Sikkim,
East District.

55. Mrs. Laden Lachungpa,
Jr. Field Assistant,
Food Security &
Agriculture Development
Department
Government of Sikkim,
East District.

56. Ms. Indra Maya Tiwari
(Chettri), Office
Assistant,
Food Security &
Agriculture Development
Department
Government of Sikkim,
East District.

57. Ms. Krishna Kumari
Neopanay, Office
Assistant,
Food Security &
Agriculture Development
Department
Government of Sikkim,
East District.

— 1 —

58. Mr. Durga Kr. Rai,
Jr. Mali,
Forest Environment & wild
life Management
Department,
Government of Sikkim,
West District.
59. Mr. Garja Man Rai,
Jr. Choukidar,
Forest Environment & wild
life Management Department
Government of Sikkim,
East District.
60. Mr. Karma Tshering Lepcha,
Jr. Mali,
Forest Environment &
Wildlife Management
Department
Government of Sikkim,
East District.
61. Mr. Aita Raj Subba,
Jr. Mali,
Forest Environment &
Wildlife Management
Department,
Government of Sikkim,
East District.
62. Mr. Padam Lall Sharma,
Jr. Mali,
Forest Environment &
Wildlife Management
Department, Government of
Sikkim,
East District.
63. Mr. Baba Tsh. Bhutia,
Jr. Chawkidar,
Forest Environment &
Wildlife Management
Department,
Government of Sikkim,

East District.

64. Mr. Subhas Pradhan,
Jr. Mali,
Rural Management &
Development Department,
Government of Sikkim,
South District.
65. Ms. Phumsang Bhutia,
Jr. Office Attendant,
Rural Management &
Development Department,
Government of Sikkim,
East District.
66. Ms. Kalpana Tamang,
Jr. Office Supervisor,
Rural Management &
Development Department,
Government of Sikkim,
East District.
67. Mrs. Damber Kumari Sharma,
Jr. Officer Supervisor,
Rural Management &
Development Department,
Government of Sikkim,
East District.
68. Ms. Goma Devi Dhungel,
Jr. Officer Supervisor,
Rural Management &
Development Department,
Government of Sikkim,
East District.
69. Mr. Mani Kumar Rai,
Jr. Fitter,
Rural Management &
Development Department,
Government of Sikkim,
West District.

70. Mrs. Buddha Maya Subba,
Jr. Office Assistant,
Rural Management &
Development Department,
Government of Sikkim,
West District.
71. Ms. Laxmi Mukhia,
Jr. Officer Supervisor,
Rural Management &
Development Department,
Government of Sikkim,
West District.
72. Ms. Phalgu Sharma,
Jr. Office Supervisor,
Rural Management &
Development Department,
Government of Sikkim,
East District.
73. Ms. Shanti Sundas,
Jr. Office Supervisor,
Rural Management &
Development Department,
Government of Sikkim,
East District.
74. Ms. Tashi Denka Bhutia,
Jr. Supervisor,
Rural Management &
Development Department,
Government of Sikkim,
East District.
75. Ms. Masina Tamang,
Jr. Supervisor,
Building & Housing
Department,
Government of Sikkim,
East District.
76. Ms. Geeta Gurung,
Jr. Supervisor,
Building & Housing

Department,
Government of Sikkim,
North District.

77. Ms. Dil Kumari Pradhan,
Jr. Supervisor,
Building & Housing
Department,
Government of Sikkim,
North District.
78. Mrs. Urmila Lepcha,
Jr. Officer Helper,
Urban Development &
Housing Department,
Government of Sikkim,
East District.
79. Mr. Dil Kumar Subba,
Jr. Safai Karamchari,
Urban Development &
Housing Department,
Government of Sikkim,
East District.
80. Ms. Lhako Phuti Bhutia,
Jr. Supervisor,
Urban Development &
Housing Department,
Government of Sikkim,
South District.
81. Miss. Tshring Choden
Bhutia, Jr. Supervisor,
Urban Development &
Housing Department,
Government of Sikkim,
East District.
82. Miss Sita Chettri,
Jr. Safai Karmachari,
Urban Development &
Housing Department,
Government of Sikkim,
East District.

83. - Mr. Karna Bdr. Limboo,
Jr. Safai karmachari,
Urban Development &
Housing Department,
Government of Sikkim,
East District.
84. Mr. Lall Bdr. Darjee,
Jr. Safai Karmachari
Urban Development &
Housing Department,
Government of Sikkim,
East District.
85. Mr. Shiva Lall Sharma,
Jr. Safai Karmachari,
Urban Development &
Housing Department,
Government of Sikkim,
East District.
86. Mr. Kumar Subba,
Jr. Supervisor,
Urban Development &
Housing Department,
Government of Sikkim,
East District.
87. Mr. Uttar Kr. Darjee,
Jr. Safai Karmachari
Urban Development &
Housing Department,
Government of Sikkim,
East District.
88. Mr. Guman Singh Limboo,
Jr. Safai Karmachari,
Urban Development &
Housing Department,
Government of Sikkim,
East District.
89. Ms. Dil Maya Sherpa,
Office Attendant,
Horticulture & Cash Crop

Development Department.
Government of Sikkim,
East District.

90. Mr. Ash Lall Subba,
Office Assistant,
Horticulture & Cash Crop
Development Department.
Government of Sikkim,
West District.
91. Mr. Dil Kumar Rai,
Jr. Supervisor,
Horticulture & Cash Crop
Development Department.
Government of Sikkim,
West District.
92. Mr. Ganga Kumar Rai,
Jr. Pipe Fitter,
Water Security & PHED,
Government of Sikkim,
South District.
93. Mr. Til Bdr. Lohar,
Jr. Supervisor,
Irrigation & Flood Control
Department,
Government of Sikkim,
South District.
94. Mr. Jiwan Kr. Pradhan,
Jr. Supervisor,
Irrigation & flood Control
Department,
Government of Sikkim,
South District.
95. Mr. Karma Tsh. Bhutia,
Jr. Pipe Fitter,
Water Security & P.H.E.
Department,
Government of Sikkim,
East District.

96. Mr. Raj Kr. Rai,
Jr. Pipe Fitter,
Water Security & PHED,
Government of Sikkim,
South District.
97. Ms. Tshering Doma Lepcha,
Jr. Supervisor,
Rural Management &
Development Department,
Government of Sikkim,
West District.
98. Mr. Wangyal Lepcha,
Jr. Supervisor,
Rural Management &
Development Department,
Government of Sikkim,
East District.
99. Mr. Arjun Gurung,
Jr. Supervisor,
PWD Department,
Government of Sikkim,
West District.
100. Mr. Florance Gurung,
Female Ward Attendant,
Health Department,
Government of Sikkim,
West District.
101. Mr. Durga Sharma,
Female word attendant,
Health Department,
Government of Sikkim,
West District.
102. Mr. Kaushal Rana,
Jr. Office Supervisor
Rural Management &
Development Department,
Government of Sikkim,
East District.

103. Ms. Saraswati Mangar,
Jr. Office Supervisor
Rural Management &
Development Department,
Government of Sikkim,
East District.
104. Mr. Sanjeet Subba,
Jr. Office Supervisor
Rural Management &
Development Department,
Government of Sikkim,
South District.
105. Mr. Raju Bardewa,
Junior Supervisor,
Urban Development &
Housing Department,
Government of Sikkim,
East District.
106. Mr. Indra Bdr. Gurung,
Junior Supervisor,
Roads & Bridges Department
Government of Sikkim,
East District.
107. Ms. Tika Hang Subba,
Junior Supervisor,
Urban Development &
Housing Department,
Government of Sikkim,
East District.
108. Mr. Ganesh Kr. Rai,
Jr. Supervisor,
Rural Management &
Development Department,
Government of Sikkim,
South District.
109. Ms. Man Maya Subba,
Jr. Supervisor
Roads & Bridges Department
Government of Sikkim,

West District.

110. Mr. Prem Kr. Mangar,
Jr. Supervisor
Roads & Bridges Department
Government of Sikkim,
West District.
111. Mr. Santosh Gurung,
Jr. Supervisor,
Roads & Bridges Department
Government of Sikkim,
East District.
112. Mr. Dhan Kr. Rai,
Jr. Supervisor,
Roads & Bridges Department
Government of Sikkim,
East District.
113. Mr. Tashi Pema Bhutia,
Jr. Field Assistant,
Food Security &
Agriculture Development
Department
(Government of Sikkim,
East District.
114. Mr. Jamuna Lepcha,
Office Attendant,
Food Security &
Agriculture Development
Department
Government of Sikkim,
East District.
115. Mr. Rudra Bdr. Upreti,
Jr. Choukidar,
Forest Environment & wild
life Management
Department,
Government of Sikkim,
East District.



116. Mr. Indra Bdr. Gurung,
Jr. Supervisor
Roads & Bridges Department
Government of Sikkim,
East District.

117. Mr. Thakur Singh Basnett
Chettri, Jr.
Safaikarmachari,
Urban Development &
Housing Department,
Government of Sikkim,
East District.

...Petitioners.

-Versus-

1. State of Sikkim,
Represented by and through
the Chief Secretary,
Government of Sikkim,
Gangtok, East Sikkim.
2. The Secretary,
Department of Personnel,
Administrative Reforms and Training,
Government of Sikkim,
Gangtok, East Sikkim.
3. The Secretary,
Rural Management and Development Department,
Government of Sikkim,
Gangtok, East Sikkim.
4. The Secretary,
Food Security and Agriculture
Development Department,
Government of Sikkim,
Gangtok, East Sikkim.
5. The Secretary,
Irrigation and Flood Control Department,
Government of Sikkim,
Gangtok, East Sikkim.

6. The Secretary,
Urban Development & Housing Department,
Government of Sikkim,
Gangtok, East Sikkim.
 7. The Secretary,
Water Security & Public Health Engineering Department,
Government of Sikkim,
Gangtok, East Sikkim.
 8. The Secretary,
Forest, Environment & Wildlife Management Department,
Government of Sikkim,
Gangtok, East Sikkim.
 9. The Secretary,
Health Care, Health Services & Family Welfare Department,
Government of Sikkim,
Gangtok, East Sikkim.
 10. The Secretary,
Housing & Building Department,
Government of Sikkim,
Gangtok, East Sikkim.
 11. The Secretary,
Horticulture & Cash Crop Development Department,
Government of Sikkim,
Gangtok, East Sikkim.
 12. The Secretary,
Roads & Bridges Department,
Government of Sikkim,
Gangtok, East Sikkim.
- Respondents.

PETITIONER .
ADVOCATE (S)
FOR ----- Mr. A. Moulik, Sr. Advocate with Ms. K. D. Bhutia,
Mr. Ranjit Prasad, Ms. Tshering Uden Sherpa,
Ms. Archana Sharma and Ms. Zamyang C. 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.

W.P.(C) No. 42/2016
Mandeep Sunwar & Ors. Vs. State of Sikkim & Ors.

BEFORE
MR. JUSTICE SATISH K. AGNIHOTRI, CJ.

03. 13.12.16 Present: Mr. A. Moulik, Sr. Advocate with Ms. K.D. Bhutia and Mr. Ranjit Prasad, Advocates for the Petitioners.

Mr. J.B. Pradhan, Addl. Advocate General with Mr. Karma Thinlay, Sr. Govt. Advocate, Mr. S.K. Chettri and Ms. Pollin Rai, Asstt. Govt. Advocates and Ms. Rita Sharma and Ms. Neera Thapa, Advocates for State-Respondents.

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Counter affidavit filed by the respondents does not disclose the complete details. It is cryptic and casual. The respondents are required to give complete details petitioner-wise.

At this stage, learned Additional Advocate General seeks two weeks time to file additional affidavit. It is ordered.

Thereafter, four weeks time is granted to the petitioners to file rejoinder, if so advised.

On completion of the pleadings, the Registry is directed to prepare proper paper books at the cost of the petitioners.

Call on 18.04.2017.

Interim direction granted earlier shall continue.

Chief Justice
13.12.2016

Index : Yes / No
Internet : Yes / No