

HIGH COURT OF SIKKIM

Record of proceedings

W. P. (C) No.48 of 2018

UPENDRA NATH DUBEY

..... PETITIONER

VERSUS

STATE OF SIKKIM & ORS.

..... RESPONDENTS

Date: 18.09.2019

CORAM :

HON'BLE MR. JUSTICE BHASKAR RAJ PRADHAN, J.

For Petitioner : Petitioner in person.

For Respondent : Mr. S. K. Chettri and Ms. Pollin Rai,
Nos.1 & 2. Assistant Government Advocates along
with Mr. Zigmee Bhutia and Ms. Pem
Lhamu Lepcha, Standing Counsel
HRDD, Govt. of Sikkim.

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I.A. No. 06 of 2019

This is an application filed by the Respondent Nos.1 and 2 seeking further time to file the counter-affidavit although this Court vide order dated 12.08.2019 had granted last opportunity to do so. The Respondent Nos.1 and 2 pleads that in order to prepare the reply the personal file of the Petitioner was retrieved from the pension section of the Finance Department, Government of Sikkim. On examination of the said file, it was seen that the correspondence papers were haphazard and certain corresponding pages of the file were missing. The details are enumerated in paragraphs 3 and 4 of the application under consideration.

Mr. S.K. Chettri, learned Assistant Government Advocate for Respondent Nos. 1 and 2 submits that in view of the same the Respondents are in the process of lodging First Information Report

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(FIR) and having the matter investigated. It is on this ground that time is sought for. Considering the nature of the dispute raised in the writ petition filed by the Petitioner, it is incumbent that the Respondents file their counter-affidavits. It would be essential for the justice decision of the case. Without a proper response, justice may not be possible.

As the Respondents desire to investigate into the matter of the corresponding papers having gone missing, three months as sought for is granted to file the counter-affidavit. The application is allowed. I.A. No. 06 of 2019 stands disposed.

I.A. No. 05 of 2019

The Petitioner seeks the disposal of his writ petition without the counter-affidavit of the Respondents as they failed to file the same in spite of opportunities granted.

In view of the order passed in I.A. No. 06 of 2019 this application is rejected. I.A. No. 05 of 2019 stands disposed.

I.A. No. 07 of 2019

The Respondents are granted three weeks time to file a reply to this application.

List on 24.10.2019.

Judge
18.09.2019