

IN THE HIGH COURT OF SIKKIM
CIVIL EXTRA ORDINARY JURISDICTION

W. P. (C) No.

57

OF

2016

Bijay Gurung,
S/o Shri Dhurba Gurung,
R/o Upper Burtuk, Gangtok,
East Sikkim.

----- Petitioner.

-VERSUS-

1. The State of Sikkim,
Through the Director General of Police,
PHQ, Gangtok – 737 101.

2. DIG/Range (Appellate Authority),
PHQ, Gangtok – 737 101.

3. The Sr. Superintendent of Police,
East District, Gangtok – 737 101.

----- Respondents.

PETITIONER

ADVOCATE (S)

FOR ----- Mr. Jorgay Namka, Ms. Pema Bhutia, Ms. Panila Theengh
and Ms. Tashi D. Sherpa.

RESPONDENT

ADVOCATE (S)

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

W.P.(C) No. 57/2016
Bijay Gurung vs. State of Sikkim & Ors.

BEFORE
MR. JUSTICE SATISH K. AGNIHOTRI, CJ.

01. 24.11.16 Present: Mr. Jorgay Namka, Ms. Pema Bhutia and Ms. Tashi Doma Sherpa, Advocates for the Petitioner.

Mr. J.B. Pradhan, Addl. Advocate General with Mr. Santosh Kr. Chettri and Ms. Pollin Rai, Assistant Government Advocates for the State-respondents.

...

Mr. Jorgay Namka, learned counsel appearing for the petitioner submits that the petitioner while working as Lance Naik in Sikkim Police was placed under suspension by Order dated 20.02.2016. Thereafter, a show cause notice was issued. Without considering the response of the petitioner and also without holding proper enquiry as contemplated under the provisions of Sikkim Police Force (Discipline and Appeal) Rules, 1989, the petitioner was visited with major penalty of compulsory retirement.

Issue notice.

Mr. S.K. Chettri, learned Asstt. Government Advocate assisting Mr. J.B. Pradhan, learned Additional Advocate General accepts notice on behalf of the respondents and granted three weeks' time to file counter affidavit.

Call on 13.12.2016.

sd/-
Chief Justice
24.11.2016

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