

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

W. P. (PIL) No.

04

OF 2016

1. Pahalman Subba,
S/o Late Ran Bahadur Subba,
R/o Diesel Power House,
P. O. & P. S. Gangtok – 737 101
East District of Sikkim.
2. Nawin Kiran Pradhan,
S/o Harka Bahadur Pradhan,
R/o Sisa Golai, 10 N – H Way,
P. O. & P. S. Gangtok – 737 101
East District of Sikkim.
3. Sonam Pintso Bhutia,
S/o Samduk Bhutia,
R/o Samdong House, Upper Lingdum,
P. O. Dhajey Dara & P. S. Gangtok. ----- Petitioners.

-VERSUS-

1. The State of Sikkim,
Through the Chief Secretary,
Government of Sikkim,
Having his office at Manan Kendra,
Gangtok – 737 101.
2. The Chief Secretary,
Government of Sikkim,
Having his office at Manan Kendra,
Gangtok – 737 101.

3. Department of Home,
Government of Sikkim,
Through the Secretary to the Home Department,
Government of Sikkim,
Having office at Manan Kendra,
Gangtok - 737 101.
4. Department of Law & Parliamentary Affairs,
Government of Sikkim,
Through the Secretary,
Law & Parliamentary Affairs Department,
Government of Sikkim,
Having office at Gangtok - 737 101.
5. Sikkim Legislative Assembly Secretariat,
Through the Secretary to the Sikkim Legislative Assembly,
Having office at Sikkim Legislative Assembly
Secretariat at Gangtok - 737 101.
6. Shri Bikram Pradhan,
Hon'ble Government of Chief Whip,
Through the Chief Secretary,
Government of Sikkim,
Having office at Manan Kendra,
Gangtok - 737 101.
7. Shri Danorbu Sherpa,
Hon'ble Parliamentary Secretary,
Tourism & Civil Aviation Department,
Government of Sikkim,
Through the Secretary Tourism & Civil Aviation
Department, Government of Sikkim,
Having Office at Tadong - 737 102.
8. Shri Karma Sonam Lepcha,
Hon'ble Parliamentary Secretary,

Government of Sikkim,
Through the Secretary Road & Bridges Department,
Government of Sikkim.

9. Smt. Tilu Gurung,
Hon'ble Parliamentary Secretary,
Energy & Power Department,
Government of Sikkim,
Through the Secretary
Energy & Power Department,
Government of Sikkim,
Having Office at Power Secretariat,
Gangtok - 737 101.
10. Shri Sonam Dadul Bhutia,
Hon'ble Parliamentary Secretary,
Rural Management & Development Department,
Government of Sikkim,
Through the Secretary
Rural Management & Development Department,
Government of Sikkim,
Having Office at Gangtok - 737 101.
11. Shri Ugen Nedup Bhutia,
Hon'ble Parliamentary Secretary,
Health Human Care & Family Welfare Department,
Government of Sikkim,
Through the Secretary
Health Human Care & Family Welfare Department,
Government of Sikkim,
Having Office at Gangtok - 737 101.
12. Shri Shyam Pradhan,
Hon'ble Parliamentary Secretary,
Human Resources Development Department,
Government of Sikkim,
Through the Secretary
Human Resources Development Department,
Government of Sikkim,
Having Office at Gangtok - 737 101.

13. Shri Hemendra Adhikari,
Hon'ble Parliamentary Secretary,
Forest, Environment & Wildlife Management Department,
Government of Sikkim,
Through the Secretary
Forest, Environment & Wildlife Management Department,
Government of Sikkim,
Having Office at Gangtok - 737 101.

14. Shri Gopal Baraily,
Hon'ble Parliamentary Secretary,
Building & Housing and Transport Department,
Government of Sikkim,
Through the Chief Secretary
Government of Sikkim,
Having Office at Manan Kendra,
Gangtok - 737 101.

15. Dr. Mechung Bhutia,
Hon'ble Parliamentary Secretary,
Food Security & Agriculture,
Horticulture & Cash Crops Development,
Animal Husbandry & Veterinary Services &
Fisheries and Irrigation & flood Control Departments,
Government of Sikkim,
Through the Chief Secretary
Government of Sikkim,
Having Office at Gangtok - 737 101.

16. Shri Pintso Chopel Lepcha,
Hon'ble Parliamentary Secretary,
Urban Development & Housing and Food,
Civil Supplies & Consumer Affairs Departments,
Government of Sikkim,
Through the Chief Secretary
Government of Sikkim,
Having Office at Gangtok - 737 101.

17. Shri Timothy William Basnett,
Hon'ble Parliamentary Secretary,
Social Justice, Empowerment & Welfare and
Water Security & Public Health Engineering Department,
Government of Sikkim,
Through the Chief Secretary
Government of Sikkim,
Having Office at Gangtok - 737 101.
18. Shri Bek Bahadur Rai,
Hon'ble Charirman,
Public Accounts Committee,
Sikkim Legislative Assembly,
Through the Secretary
Sikkim Legislative Assembly,
Having Office at Gangtok - 737 101.
19. Smt. Chandra Maya Subba,
Hon'ble Chairperson,
Estimates Committee,
Sikkim Legislative Assembly,
Through the Secretary
Sikkim Legislative Assembly,
Having Office at Gangtok - 737 101. ----- Respondents.

PETITIONER

ADVOCATE (S)

FOR ----- Mr. O. P. Bhandari.

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.

WP(PIL) No. 04 of 2016

Pahalman Subba And Ors. vs. State of Sikkim & Ors.

BEFORE
HON'BLE MRS. JUSTICE MEENAKSHI MADAN RAI, JUDGE

5. 06.12.2016

Present: Mr. O.P. Bhandari, Advocate for the Petitioners.

Mr. Karma Thinlay Namgyal, Sr. Govt. Advocate with Mr. S.K. Chettri and Mrs. Pollin Rai, Asst. Govt. Advocates for the Respondents No.1,2,3 and 4.

Mr. D.K. Siwakoti, Advocate for the Respondent No.5.

Mr. Sudipto Mazumdar, Advocate for the Respondent No.6.

Mr. Jorgay Namka and Ms. Panila Theengh, Advocates for the Respondents No. 7,8,9 and 10.

Mr. D.R. Thapa, Sr. Advocate with Ms. Kriti Pradhan, Ms. Sunita Gurung and Ms. Binita Chettri, Advocates for the Respondents No.11 to 17.

Mr. N. Rai, Sr. Advocate with Ms. Tamanna Chhetri, Ms. Bindu Gurung and Mr. Johnson Subba, Advocates for the Respondents No.18 and 19.

Written Objection to I.A. No.3 of 2016, i.e., an Application for amendment of the Writ Petition, has been filed by all Respondents except the State-Respondents, being Respondents No.1 to 4.

It is submitted by learned Senior Government Advocate that they have no Written Objection to file.

Respondents No.18 and 19 had filed I.A. No. 2 of 2016, challenging the maintainability of the Petition to which a response has been filed by the Petitioners.

This is a Division Bench matter, which is not available today, list on 10.03.2017 for hearing on I.A. No.2 of 2016 and I.A. No.3 of 2016.

Sd/-

Judge
06.12.2016

Index : Yes / No
Internet : Yes / No

ds/bp