

BEFORE
MR. JUSTICE SATISH K. AGNIHOTRI, CJ. &
MRS. JUSTICE MEENAKSHI MADAN RAI, J.

WP (PIL) No. 04/2016
Pahalman Subba & Ors. vs. State of Sikkim & Ors.

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

Mr. A. Mariarputham, Advocate General, Mr. Karma Thinlay, Sr. Govt. Advocate with Mr. Santosh Kr. Chettri, Asstt Govt. Advocate for Respondents No. 1, 2, 3 and 4.

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

Mr. Jorgay Namka, Ms. Tashi D. Sherpa and Ms. Panila Theengh, Advocates for Respondents No.6 to 17.

Mr. N. Rai, Sr. Advocate with Ms. Tamanna Chhetri, and Ms. Malati Sharma, Advocates for Respondents No. 18 and 19.

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AND

WP (C) No. 63/2016
Sikkim Krantikari Morcha & Anr. vs. State of Sikkim & Ors.

23.08.2017 Present: Mr. Raghavendra Kumar, Advocate for the Petitioners.

Mr. A. Mariarputham, Advocate General, Mr. Karma Thinlay, Sr. Govt. Advocate with Mr. Santosh Kr. Chettri, Asstt Govt. Advocate for Respondents No. 1, 2 and 3.

Mr. D.K. Siwakoti, Advocate for Respondent No. 4.

Mr. Jorgay Namka and Ms. Panila Theengh and Ms. Tashi D. Sherpa, Advocates for Respondents No. 5 to 16.

Mr. N. Rai, Sr. Advocate with Ms. Tamanna Chhetri, and Ms. Malati Sharma, Advocates for Respondents No. 17 and 18.

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I.A. No.4/2016
in
WP (PIL) No. 04/2016

I.A. stands disposed of in terms of the Order passed by this Court on 10-03-2017.

I.A. Nos.17, 18, 19, 20, 21, 22 and 23 of 2017
in
WP (PIL) No. 04/2016

With

I.A. Nos.7, 8, 9, 10, 11, 12 and 13 of 2017
in
WP (C) No.63/2016

Delay condoned.

The Applications are ordered.

Learned Counsel appearing for the Petitioners submits that, in the light of the proposition of law laid down by the Hon'ble Supreme Court in ***Bimolangshu Roy (Dead) through LRs vs. State of Assam and Another***, in Transferred Case (Civil) No.169 of 2006, dated 26-07-2017, wherein it was held that the Legislature of Assam lacks the competence to frame the Assam Parliamentary Secretaries (Appointment, Salaries, Allowances and Miscellaneous Provisions) Act, 2004, the Petitioners seek permission to confine his challenge to the constitutionality of the Sikkim Parliamentary Secretaries (Appointment, Salaries, Allowances and Miscellaneous Provisions) Act, 2010 (for short "the impugned Act"), and other consequential Notifications in the Petition.

Further, the Petitioners seek permission to withdraw challenge to the provisions of other Acts, namely, the Sikkim State Legislators' Appointment to Different Authorities Act, 2006, Section 3A(bb) of the Sikkim Legislative Assembly Members (Removal of Disqualifications) Amendment Act, 2006, and other consequential related Notifications with liberty to impugne the same in other Writ Petition, at appropriate time.

No objections from the other side.

The Petitioners are permitted to withdraw the challenge to the aforestated statutory provisions reserving liberty to them to agitate the same in an appropriate Petition afresh, if so advised, in accordance with law.

Heard arguments on the issue on constitutional validity of the impugned Act.

Judgment reserved.

Judge
23.08.2017

Chief Justice
23.08.2017