

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

W.P.(PIL) NO. 06 OF 2016

1. Shri Nim Chogyal Lepcha,
S/o Late Tata Lepcha,
R/o Ranka,
P.O. Dhajay Dara & P.S. Gangtok,
East Sikkim.
2. Shri Sonam Pintso Bhutia,
S/o Samdup Bhutia,
R/o Samdong House, Upper Lingdum,
P.O. Dhajay Dara & P.S. Gangtok,
East Sikkim.Petitioners.

Versus

1. The State of Sikkim,
Through the Chief Secretary,
Government of Sikkim,
Having his office at Manan Kendra,
Gangtok – 737101.
2. The Secretary,
Roads and Bridges Department,
Government of Sikkim,
Having his office at Nirman Bhawan,
Gangtok – 737101.Respondents.

PETITIONER

ADVOCATE(S)

FOR-----Mr. Jagan D. Thapa, Mr. Pema Ongchu Bhutia,
Mr. Leada T. Bhutia and Mr. Sunil Rai.

RESPONDENT

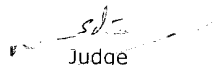
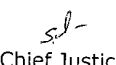
ADVOCATE(S)

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

Case No.....

Serial No.	Date	Order (s) with Signature (s)
1	2	3
02.	25.10.16 (Agnihotri, CJ)	WP (PIL) No. 06/2016 Nim Chogyal Lepcha & Anr. vs. State of Sikkim & Anr. BEFORE MR. JUSTICE SATISH K. AGNIHOTRI, CJ. & MRS. JUSTICE MEENAKSHI MADAN RAI, J. Present: Mr. Jagan D. Thapa and Mr. Pema Ongchu Bhutia, Advocates for the Petitioners. Mr. Karma Thinlay, Senior Government Advocate with Ms. Pollin Rai, Assistant Government Advocate for the State-Respondents. Seeking a direction to the State Government to complete the work of up-gradation and strengthening of Ranka-Sichey Road in East Sikkim, which was required to be completed within the time specified by the Government vide Work Order dated 20.05.2011, the instant Petition is filed. Learned Senior Government Advocate appearing for the Respondents, submits that the Work Order was granted after approval of the financial sanction, way back on 20.05.2011, wherein the completion time prescribed was 18 months. More than 18 months have elapsed, till date no progress has been made. The people living in and around the area are suffering on account of want of proper road. In response to our notice, the State Government

Case No.....

Serial No.	Date	Order (s) with Signature (s)												
1	2	3												
		has filed a Report dated 22.10.2016, wherein it stated as under: "8. As stated above, the total progress of the work so far achieved is 80% which includes drainage works, protective works and pavements works. However, to carry out the carpeting works involving bitumen needs favourable working condition which normally starts from the month of October to March (6 months) per every year. Since, the carpeting work is major work to be completed, the same shall be completed in a phase manner in two phases for the entire stretch of work i.e. Km 1st to 11th (double lane) East Sikkim. <table border="1"> <tr> <td>1st Phase</td><td>October 2016 to March 2017</td><td>Sichey Zero Point to Banjhakri Falls</td><td>4 kms.</td></tr> <tr> <td>2nd Phase</td><td>October 2017 to March 2018</td><td>Banjhakri Falls to Ranka Zere Point</td><td>6.21 kms.</td></tr> <tr> <td></td><td></td><td>TOTAL</td><td>10.21 kms.</td></tr> </table> On perusal of the pleadings as well as the Work Order, we do not find any reason for delaying a Project like this. More than five years have gone by, it appears that there is a deliberate intention on the part of the Officers as well as the Contractor to escalate the cost. The Chief Engineer is directed to file an Affidavit indicating as to why more than five years have been taken in not completing the contract when the period of contract was 18 months and why further time be granted for completion of the work. Call on 21.11.2016.  Judge 25.10.2016  Chief Justice 25.10.2016	1 st Phase	October 2016 to March 2017	Sichey Zero Point to Banjhakri Falls	4 kms.	2 nd Phase	October 2017 to March 2018	Banjhakri Falls to Ranka Zere Point	6.21 kms.			TOTAL	10.21 kms.
1 st Phase	October 2016 to March 2017	Sichey Zero Point to Banjhakri Falls	4 kms.											
2 nd Phase	October 2017 to March 2018	Banjhakri Falls to Ranka Zere Point	6.21 kms.											
		TOTAL	10.21 kms.											

Is/jk

Index : Yes / No
Internet : Yes / No