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15.	19-12-2007	<p>Present: Dr. Doma T. Bhutia, Advocate for the petitioners.</p> <p>Mr. S.P. Wangdi, Advocate General with Mr. Karma Thinlay, Govt. Advocate for the State-Respondents.</p> <p>Mr. A.K. Upadhyaya, Sr. Advocate with Ms. Rashmita Rai, Advocate for Respondent Nos.8 to 16.</p> <p style="text-align: center;">_____</p> <p>This is a writ petition at the instance of 9 writ petitioners who were all recruited as Junior Engineers by the Government of Sikkim and are still working as such. The promotee post is that of an Assistant Engineer.</p> <p>They were all appointed on or about 15-9-2004.</p> <p>Their grievances are as against respondent Nos.8 to 17 who were recruited, after issuance of advertisement and after the holding of interviews in three batches. The 17<sup>th</sup> respondent was engaged on 4-2-2002, respondent Nos.8, 9 and 10 on 24-5-2003 and respondent Nos.11 to 16 on 30-7-2003. The first one and the second batch were given temporary employment and the</p>	



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last batch was given work charge employment. Thereafter on or about 29-12-2005 in exercise of powers under Rule 30 of the Sikkim State Engineering (Civil, Electrical and Mechanical) Service Rules, 1989 they were all regularized.

The writ petitioners feel that they have been unfairly treated and there has been discrimination practiced as against them. Their case is that they are all holders of degrees of Bachelor of Engineering and therefore, had qualification enough to have the same fate as those who have now become permanent Assistant Engineers.

This is a grievance which is felt without any legal basis which can support it.

The problems are many in the way of the writ petitioners. First, it was open to them, if they so wanted, to apply for the temporary posts or work charge employment as and when the advertisements were issued. Secondly, after having applied for, and after being absorbed as



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permanent Junior Engineers, according to Service Rules, they would have to wait for ten years before they can even be considered for promotion to the posts of Assistant Engineers. This is a service route which they have themselves chosen and they cannot therefore, feel legally aggrieved about some other service route which has proved approve to be more beneficial to some other candidates or employees. It is not that Rule 30 does not exist for regularization, it is not that those who have been working properly in their posts without any complaint cannot be regularized.

In these circumstances, the Junior Engineers, who are the writ petitioners, and who continue to hold their posts as such, have no grievance which can be redressed. The writ application is, therefore, dismissed.

(A.N. Ray, CJ)

(A.P. Subba, J)