

# IN THE HIGH COURT OF SIKKIM


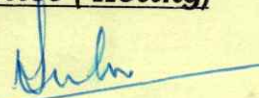
## ORDER SHEET

..... WRIT PETITION (C)..... No. 10 of 200 5

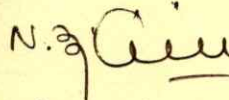

..... ABIMAYA THAPA & OTHERS..... Petitioners & Appellant

Versus

PRINCIPAL SECRETARY, SIKKIM..... Respondent s  
LEGISLATIVE ASSEMBLY & OTHERS

Serial No. of Order	Date of Order	Order with Signature	Office Note as to action (if any) taken on Order
1.	01.04.2005	<p>Heard Mr. A. Moulik assisted by Mr. N. G. Sherpa, learned Counsel for the petitioners.</p> <p>Let a Rule issue calling upon the respondents to show cause as to why an appropriate Writ should not be issued as prayed for; or why such order or orders which this Court deems it fit and proper should not be issued. Rule is made returnable on <b>10.5.2005</b>.</p> <p>No formal notice is called for, as Mr. Karma Thinlay, learned Assistant Government Advocate accepts notice on behalf of respondent Nos.1 and 2. However, the petitioner is directed to take steps for service of notice upon the respondent Nos. 3 and 4 within three days' from today. Mr. Sherpa, learned counsel shall supply two extra copies of the writ petition to Mr. Karma Thinlay, learned Assistant Government Advocate during the course of the day.</p> <div style="text-align: center; margin-top: 20px;">   <b>( N. Surjamani Singh )</b>  <b>Chief Justice ( Acting )</b> </div> <div style="text-align: center; margin-top: 20px;">   <b>( A. P. Subba )</b>  <b>Judge</b> </div>	<p>Request filed on 2-4-05 and notice issued accordingly by means 2/4/05</p> <p>Notice served upon respdt. nos. 3 &amp; 4. AD Cards recd. back by means 9/5/05</p>
	At/		

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2.	10.05.2005	<p>Heard Mr. A. Moulik, learned Senior Counsel assisted by Mr. N. G. Sherpa, learned Counsel for the petitioners and Mr. S. P. Wangdi, learned Advocate General assisted by Mr. J. B. Pradhan, learned Government Advocate and Mr. Karma Thinlay, learned Assistant Government Advocate for the State – respondents 1 and 2. None appears for the respondent Nos. 3 and 4.</p> <p>It is submitted at the Bar by the learned Advocate General at the very outset, that the petitioners have been given promotion to the post of Translator-cum-Interpreter, and accordingly, the matter has become infructuous. Supporting his contention, Mr. Wangdi, learned Advocate General had produced a copy of the related Office Order issued by the Special Secretary, Sikkim Legislative Assembly Secretariat showing the factum of promotion of the petitioners in the said post. In our considered view, the petitioners have got their relief. However, Mr. Moulik, learned Senior Counsel contended that the petitioners should also be afforded the arrear salary from the date on which the incumbents who are similarly situated with the petitioners had been given promotion to the said</p> <p style="text-align: center;"><i>earlier</i> ^ <i>in</i></p>	

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		<p>post and also for protecting their seniority. In our considered view, suffice is made by the State – respondents/authority in giving promotion to the writ petitioners to their respective posts with immediate effect i.e. on and from 20.04.2005, and, as such, this Court’s hands are tight in affording the relief sought for by the petitioners for protection of their seniority and arrear salary at this stage. Be that as it may, this matter is left upon the wisdom of the Government/appropriate authority.</p> <p>In view of the above position, this case is finally disposed of with the above observations but no order as to costs.</p> <p style="text-align: center;">   <b>( N. Surjamani Singh )</b>  <b><u>Chief Justice ( Acting )</u></b> </p> <p style="text-align: center;">   <b>( A. P. Subba )</b>  <b><u>Judge</u></b> </p>	

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