
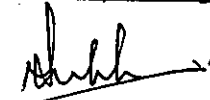
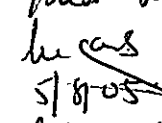
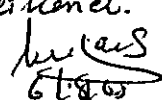
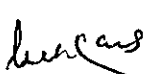
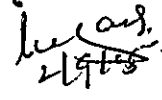
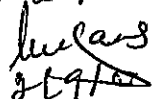




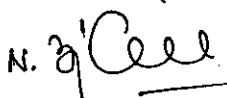
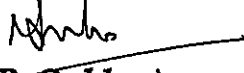
Serial No. of Order	Date of Order	Order with Signature C.M.A.No.27/2005	Office Note as to action (if any) taken on Order
2	03.08.2005	<p>Heard Mr. B. Sharma, learned Senior Counsel assisted by Mr. B. Pokhrel and Ms. Binita Sharma, learned counsel for the petitioner. Also heard Mr. S. P. Wangdi, learned Advocate General assisted by Mr. J. B. Pradhan, learned Government Advocate and Mr. Karma Thinlay, learned Assistant Government Advocate for the State - respondents.</p> <p>Upon hearing the learned counsel for the parties, we are of the view that the signatories in the document marked Annexure P-5, that is, the admitted bill signed and checked by 4 members, namely, the Divisional Engineer, the Superintending Engineer, the Assistant Engineer (PQ) Engineering Cell, and the Assistant Engineer (Planning) of the Department of Education, Government of Sikkim, Gangtok, Sikkim are necessary parties, inasmuch as, these are the 4 authorities who have signed the bill, who are very much aware about the existence of the bill pertaining to the extra labour charges for the high altitude to the tune of Rs.1,23,647.00 (Rupees one lakh, twenty three thousand six hundred and forty seven) only, and they should be ^{impleaded} impleaded as party respondents in this case. Accordingly, they are impleaded as party respondent</p>	



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		<p>Nos.4, 5, 6 and 7. It may be mentioned that, once the bill is admitted and undisputed between the contractor and the authorities, the authorities are to make payment and they cannot run away from it in view of the related decisions of the Apex Court as well as the High Courts, particularly the Gauhati High Court rendered and reported in 2001 2001 Vol I, GLT 332, 2000 2000 Vol. II GLT 109 and AIR 2005 Gauhati page 92 so far and so forth. Be that as it may, the petitioner is required to take steps for service of notice upon the 4 ^{newly}impleaded respondents within three days from today, and the matter be listed on 05.09.2005 for necessary orders.</p> <p style="text-align: center;">  (N. Surjamani Singh) Chief Justice (Acting) </p> <p style="text-align: center;">  (A. P. Subba) Judge </p>	<p>Requests filed today  5/9/05</p> <p>Petitioner filed the add. process add. of the impleaded respdts. on 6.8.05 and notice issued in the add. given by the petitioner.  6/8/05</p> <ol style="list-style-type: none"> 1. Notice served upon respdt. no. 5, 6 + 7. A D cards need. 2. Envelope (unserved) need. back with a report - Not found. Hence return to sender.  3. Respdts no-6 has submitted an appl. I prayed that his name may be deleted as respdt. as he is wrongly impleaded as respdt no 6.  <p>Counter has been filed by the State respdts. on 2.9.05.  2/9/05</p>

At/



Serial No. of Order	Date of Order	Order with Signature	Office Note as to action (if any) taken on Order
3.	05.09.2005	<p>Heard Mr. B. Sharma, learned senior counsel assisted by Miss Recta Sharma, lerned counsel for the petitioner. Also heard Mr. S. P. Wangdi, learned Advocate General assisted by Mr. J. B. Pradhan and Mr. Karma Thinlay, learned Government Advocates for the State - respondents.</p> <p>Upon hearing the learned counsel appearing for the parties at some length, Mr. Sharma, learned senior counsel in his usual frankness submitted that the petitioner desires to withdraw the writ petition with liberty to approach the appropriate forum for arbitration in terms of the related work order. In our considered view, the prayer made by the petitioner is reasonable and, accordingly, ^{Case} it is closed on withdrawal with liberty to the writ petitioner to approach the appropriate forum for arbitration.</p> <p style="text-align: center;">  (N. Surjamani Singh) <u>Chief Justice (Acting)</u> </p> <p style="text-align: center;">  (A. P. Subba) <u>Judge</u> </p>	