

High Court of Sikkim

Record of proceedings

Cont. Cas(C) No.03 of 2021

Joseph Tamang

Petitioner

VERSUS

Tushar Gajanan Nikahare and Another

Respondents

Date : **17-11-2021**

CORAM : **THE HON'BLE MRS. JUSTICE MEENAKSHI MADAN RAI, JUDGE**

For Petitioner Mr. B. K. Gupta, Advocate.

For Respondents Mr. Hissey Gyaltsen, Assistant Government Advocate.

ORDER

The instant Contempt Petition has been filed on the ground that although this Court vide its Judgment dated 20-02-2020 in WP(C) No.66 of 2016 : *Yogen Ghatani and Others vs. State of Sikkim*, ordered that the children of persons who were issued Certificate of Identification (COI) on the basis of employment of their fathers in the Government of Sikkim before 31-12-1969 would be eligible to obtain COI which would have the same benefits and utility as other COI holders sans discrimination on any ground, the State-Respondents have refused to take steps on an application dated 18-10-2021, filed by the Petitioner. That, the Additional District Magistrate, the Respondent No.1 herein endorsed a remark on the Petitioner's application as follows;

"The matter is sub-judice (under review of High Court). Pl. wait for matter to clear before proceeding further."

That, the Respondents have willfully and deliberately not complied with the Judgment of this Court dated 20-02-2020, despite there being no order of stay in the matter either from the High Court or the Hon'ble Supreme Court.

Having heard Learned Counsel for the Petitioner, admittedly the State-Respondents in WP(C) No.66 of 2016 are in Appeal against the Judgment of this Court dated 20-02-2020.

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The matter is pending before the Gauhati High Court and is listed on 24-11-2021.

In my considered opinion for judicial propriety the finding of the Appellate Court may be awaited.

This Petition being premature stands disposed of accordingly.

Judge
17-11-2021

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