

**WP(C) No. 28/2017**

Nanda Kumar Rai v. State of Sikkim & Ors.

**BEFORE  
BHASKAR RAJ PRADHAN, J.**

**15.12.17** Present: Ms. Gita Bista, Advocate for the petitioner.

Mr. S.K Chettri, Asst. Government Advocate for the State-Respondents.

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Mr. S.K Chettri, learned Assistant Government Advocate appearing for the State-Respondents has placed before this Court an office order bearing no. 549/Gen/DOP dated 28.11.2017 issued by the Respondent No.2. The same may be taken on record and mark as 'X". The said office order read as under :-

"OFFICE ORDER

*Shri Nanda Kumar Rai is hereby appointed in a temporary capacity to the post of LDC at Jawaharlal Nehru Memorial Institute, Namchi, (south) under Social Justice, Empowerment and Welfare Department on a monthly pay of ₹8,930/- per month (PB ₹6330+GP ₹2600) in the PB-1 of ₹5200-20200 and Grade pay ₹2600/- plus other admissible allowances with effect from the date of his joining. In addition he will be entitled to draw Special Boarder Compensatory Allowance, House Rent Allowances if not in occupation of government quarters at the rates admissible under the relevant rules.*

*He shall be on a probation period of one year with effect from date of his joining.*

*He will have to attend and pass the Ministerial Training as and when conducted by AATI and shall complete the Typewriting or Computer course if not already done for crossing of probationary period.*

*By order.*

*Sd/-  
(P.Ongdi Bhutia) SCS*

*JOINT SECRETARY TO THE GOVERNMENT  
DEPARTMENT OF PERSONNEL ADMINSTRATIVE REFORMS,  
TRAINING AND PUBLIC GRIEVANCES"*

Ms. Gita Bista, learned Counsel for the Petitioner submits that the Petitioner has been appointed vide afore-quoted office order. She further submits that the prayers as prayed in the Writ Petition have been substantially satisfied and in view of the same seeks to withdraw the Writ Petition with liberty to approach the Authorities for seeking financial benefits from the day other employees were regularized.

Mr. S.K Chettri, learned Assistant Government Advocate fairly submits that if such prayer is made to the Government it would be fairly considered and if permissible, would be granted.

In view of the aforesaid the Writ Petition stands dismissed as withdrawn. The Petitioner is at liberty to approach the Government for seeking any legally tenable financial benefit as prayed for in the Writ Petition and on such application made by the Petitioner, it is hoped that the Government would consider the same as per law.

**Judge**  
15-12-2017

/avi      **Index : Yes / No**  
            **Internet : Yes / No**