

**THE HIGH COURT OF SIKKIM : GANGTOK**  
(Civil Extra Ordinary Jurisdiction)

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**S.B.: HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI, CJ.**  
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**W.P. (C) No. 63 of 2017**

1. Anita Poudaly,  
Aged about 42 years,  
Presently working as LDC (Work Charge)  
in Rural Management and Development  
Department,  
Government of Sikkim,  
Gangtok, East Sikkim.
2. Ganga Gurung,  
Aged about 44 years,  
Presently working as LDC (M/R) in  
Energy and Power Department,  
Pakyong, East Sikkim,  
Government of Sikkim,  
Gangtok, East Sikkim.
3. Kabita Bhujel,  
Aged about 44 years,  
Presently working as LDC (Work Charge) in  
Energy and Power Department,  
Pakyong, East Sikkim,  
Government of Sikkim,  
Gangtok, East Sikkim.

... **Petitioners.**

*versus*

1. State of Sikkim,  
Represented by and through  
the Chief Secretary,  
Government of Sikkim,  
Gangtok, East Sikkim.

2. The Secretary,  
Energy and Power Department,  
Government of Sikkim,  
Gangtok, East Sikkim.
3. The Secretary,  
Department of Personnel,  
Administrative Reforms and Training,  
Government of Sikkim,  
Gangtok, East Sikkim.

... **Respondents.**

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Appearance:

Mr. A. Moulik, Sr. Advocate with Ms. K.D. Bhutia and Mr. Ranjit Prasad, Advocates for the Petitioners.

Mr. J.B. Pradhan, Addl. Advocate General with Mr. Thinlay Dorjee Bhutia, Govt. Advocate, Ms. Ms. Pollin Rai, Asstt. Govt. Advocate and Ms. Sangita Pradhan, Advocate (DOPART) for the Respondents.

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**ORDER (ORAL)**  
(18.04.2018)

**Satish K. Agnihotri, CJ**

The case of the petitioners is that the first petitioner was appointed in the post of Office Helper on work-charged establishment on a monthly pay on 17<sup>th</sup> August, 1995. The second petitioner was appointed on muster roll basis as Demand Clerk on 30<sup>th</sup> July, 1996. The third petitioner was appointed as Office Helper on temporary work-charged establishment on a monthly pay on 20<sup>th</sup> June, 1995. The

petitioners have been working ever since till date. Mr. A. Moulik, learned Senior Counsel appearing for the petitioners submits that the petitioners were denied regularization in their posts on the sole ground that the petitioners are married to non-Sikkimese.

During pendency of the writ petition, it is brought to our notice that the State Government has taken decision to regularize services of the petitioners and, accordingly, memorandum dated 06<sup>th</sup> April 2018 was issued to the first petitioner and to the second and third petitioners on 20<sup>th</sup> March, 2018. Thus, nothing survives for adjudication at this stage.

Learned Senior Counsel seeks liberty to agitate the issue, if the petitioners are denied any right which a Sikkimese is entitled to on the ground of being married to a non-Sikkimese. The liberty is reserved to the petitioners, if so advised, in accordance with law.

Accordingly, the writ petition stands disposed of.

**Chief Justice**

18.04.2018

jk/pm

Index : Yes / No  
Internet : Yes / ~~No~~