



# IN THE HIGH COURT OF SIKKIM

## ORDER SHEET

Writ Petition (C) ..... No. 19 of 199/ 2003

Kashi Kant Jha ..... Petitioner/Appellant

Versus

State of Sikkim & Others ..... Respondent

Serial No. of Order	Date of Order	Order with Signature	Office Note as to action (if any) taken on Order
1.	1.7.2003	<p>Present : Petitioner, Mr. Kashi Kant Jha in person.</p> <p>Mr. N. B. Khatriwada, Additional Advocate General assisted by Mr. J. B. Pradhan, Govt. Advocate for the respondents.</p> <p>Heard Mr. Kashi Kant Jha, the petitioner in person.</p> <p>Admit the petition.</p> <p>Let a notice be issued upon the respondents to show cause as to why Rule 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.</p> <p>Notice is made returnable on 28.7.2003. No formal notice is called for as Mr. N. B. Khatriwada, learned Additional Advocate General assisted by Mr. J. B. Pradhan, learned Government Advocate accepts notice on behalf of the respondents. However, Mr. K. K. Jha shall supply 2 more extra copies of the writ petition to Mr. Pradhan, learned Government Advocate within 2 days.</p> <p>The matter be listed on 28.7.2003 for necessary orders.</p> <p><i>N. Surjanant Singh</i> (N. Surjanant Singh) Acting Chief Justice 1.07.2003</p>	<p>This matter is to be placed before the Honble Chief Justice.</p> <p>B.O. <i>N. Surjanant Singh</i> B.7.03.</p> <p>Archived List it before Division Bench.</p> <p>B.O. <i>Ch</i> 20/7/03</p>

At/





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2.	28-7-2003	<p>The petitioner, Kashi Kant Jha is present. We have heard him and the learned Addl. Advocate General assisted by the learned Govt. Advocate.</p> <p>Grievance of the petitioner in the writ petition is based on four different counts.</p> <p>(i) Non-payment of salary for the period from 1-9-2001 to 26-9-2001. In the report filed on behalf of the respondents 1 to 5, it has been stated that the salary for the said period amounting Rs.1456/- has been drawn vide Cheque No.015305 dated 23-7-2003. The said Cheque has been handed over today in the Court to the petitioner. He has received the same and submitted a receipt in token thereof.</p> <p>(ii) Second grievance of the petitioner is with regard to non-fixing of his basic pay at Rs.6900/- per month. Office Order No.656/JDE(S) dated 23-7-2003 at annexure A-1 shows that his basic pay has already been fixed at Rs.6900/- per month.</p> <p>(iii) Non-payment of arrears of pay and allowances amounting to Rs.34,392/- Cheque bearing No.002656 dated 22-7-2003 for Rs.34,392/- has been handed over to the petitioner in Court which he has received. He would submit a receipt in token of it.</p> <p>(iv) Fourth grievance is that the period from 16-4-2001 to 11-5-2001 has been treated as Leave Without Pay. In the report, it has now been stated that the order has been varied and the same has been treated as half pay leave vide Office Order No.621/JDE(S) dated 19-7-2003.</p>	





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From the aforesaid, it may be seen that all the grievances of the petitioner have been duly met and nothing ~~has~~ now survives for decision of this Court.

The petitioner, however, submits that his subsistence allowance should be fixed on the basis of his basic pay at Rs.6900/- per month. Learned Addl. Advocate General assures that the matter will be duly examined and if necessary, appropriate order will be passed within a short time. The petitioner also states that during the period of suspension, he would go on submitting non-employment certificate before the appropriate authority.

With the <sup>above</sup> observations and directions, writ petition is disposed of.

N. Surjmani Singh  
(N. Surjmani Singh)  
Judge  
28-7-2003.

R.K.M.  
(R.K. Patra)  
Chief Justice  
28-7-2003.

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