

# IN THE HIGH COURT OF SIKKIM

## ORDER SHEET

Writ Petition (C) No. 24 of 199/ 2003

Til Bahadur Rai & Others 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.                  | 1.8.2003      | <p>Heard Mr. A. Moulick, learned Counsel for the petitioners and Mr. N. B. Khatiwada, learned Additional Advocate General assisted by Mr. Karma Thinlay, learned Assistant Govt. Advocate for the opposite party - respondents 1 and 2.</p> <p>Admit.</p> <p>Issue notice by registered<sup>post</sup>/returnable within 6 weeks. Requisites for service of notice be filed by tomorrow.</p> <p>Pendency of the writ petition will not stand on the way of the State Government to consider the case of the petitioners for grant of advancement grade in terms of the relevant circulars and rules.</p> <p><i>N.S. Singh</i><br/>( N. S. Singh )<br/>Judge<br/>1.8.2003.</p> <p><i>R.K. Patra</i><br/>( R. K. Patra )<br/>Chief Justice<br/>1.8.2003.</p> | <p>Request filed on 11-8-03. Notice issued on 11-8-03.<br/><i>h/s</i><br/>11/8/03</p> <p>Notice effected upon receipt. No-3. With the envelope now the A.D. card need from receipt. No-4.<br/><i>h/s</i><br/>11/8/03</p> |





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|---------------------|---------------|---|---|
| 13.                 | 23.8.2004     | <p>We have heard Shri A. Moulik, learned counsel for the petitioner and Shri S. P. Wangdi, learned Advocate General for the respondents.</p> <p>Memo has been filed on behalf of the respondents stating as follows :-</p> <p><b>"3. That although on merits, the petitioners are not entitled to the reliefs sought for in the writ petition, the State respondents in the interest of substantial justice and equity have decided to make the following offer to the petitioners for settlement of the grievances :-</b></p> <p>(a) The petitioners shall be treated at par with those primary school teachers who fell in same category as the petitioners and had been granted the advancement grade erroneously;</p> <p>(b) Their scales of pay shall be worked out retrospectively as per rules prescribed on their behalf but they shall not be entitled to arrears of pay accruing as a result of the revision of their pay;</p> <p>(c) The petitioners shall be paid the difference in death cum gratuity arising as a consequence of retrospective revision of pay;</p> <p>(d) The petitioners shall be paid the enhanced amount of pension prospectively commencing from the month of September 2004 payable in October 2004."</p> <p>The above offer made by the respondents appears to be reasonable. Shri Moulik appearing for the petitioner accepts the same. In view of this, we do not find any cause of action further surviving. The memo shall form part of this order.</p> <p>The assurances as indicated in the memo may be carried out expeditiously.</p> <p>The writ petition is disposed of with the above observation and direction.</p> <p style="text-align: right;"><i>Dkm</i><br/>( R. K. Patra )<br/>Chief Justice<br/><i>N. S. Singh</i><br/>( N. S. Singh )<br/>Judge</p> |   |