

# IN THE HIGH COURT OF SIKKIM

## ORDER SHEET

WRIT PETITION ( C ) ..... No. 3 of 2005

MARGARET LEPCHA ..... Petitioner / Appellant

Versus

DIRECTOR, CENTRAL COUNCIL FOR... Respondent s

RESEARCH IN AYURVEDA & SIDDHA & OTHERS

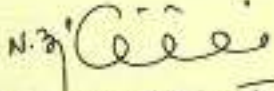
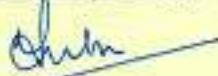
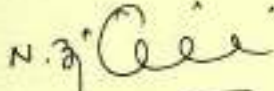

Serial No. of Order	Date of Order	Order with Signature	Office Note as to action (if any) taken on Order
1.	28.2.2005	<p>Heard Mr. A. Moulik assisted by Mr. N. G. Sherpa, learned Counsel for the petitioner.</p> <p>In this writ petition, the petitioner Mrs. Margaret Lepcha, questioned the validity of the impugned transfer order dated 14.2.2005 as well as the relieving order dated 22.2.2005 by contending inter alia, that the respondent No.4 had been managing to employ his wife, Smt. Dipa Makhija by transferring the petitioner from her place of posting at Regional Research Institute (Ay.), Tadong, Gangtok to Regional Research Institute (Ay), Itanagar.</p> <p>It is submitted at the Bar by Mr. A. Moulik, learned Counsel appearing for the petitioner that the petitioner, having apprehension about her transfer from her present place of posting to Regional Research Institute (Ay.) Itanagar, by the malafide action of the respondent No.4, Dr. P. Makhija, the petitioner submitted a representation to the Director, Central Council for Research in Ayurveda and Siddha, Institutional Area, New Delhi, the 1<sup>st</sup> respondent herein. The representation dated 18.10.2004 was duly communicated by the petitioner to the respondent No.1 on time, but the said representation has not yet been disposed of till date.</p>	





Date of Order	Order with Signature	Office Note as to action (if any) taken on Order
	<p>We have perused the said representation dated 18.10.2004 which is self-explanatory.</p> <p>According to us, it is the lawful duty of the respondent No. 1 to examine and consider the said representation and dispose of the same in accordance with the related Service Rules and law.</p> <p>In view of the above position, this Court has no alternative but to direct the respondent No.1 to consider the case of the petitioner and dispose of the said representation <del>same</del> <sup>for</sup> within a period of three months' from the date of receipt of this order, thus communicating the result of it to the petitioner in time. Considering the nature of the case, we also made the following <del>ad interim</del> order :-</p> <p><b>Pending final disposal of the said representation dated 18.10.2004, as in Annexure P8, by the appropriate authority, namely, the respondent No.1, the impugned transfer order dated 14.2.2005 bearing Office Order No.1846/2005 dated 14<sup>th</sup> February, 2005 and the relieving order dated 22<sup>nd</sup> February, 2005 shall not be given effect to, in other words, status quo ante with regard to the service conditions of the petitioner as on 13.2.2005 shall be maintained and she should be allowed to serve <sup>in</sup> Regional Research Institute (Ay), Tadong as usual.</b></p> <p>We also made it clear that the authority concerned i.e., the respondent No.1 shall look into the affairs of the Regional Research Institute (Ay), Tadong, Gangtok and the working condition of it, so that the employees of it may feel that justice has been done to them.</p>	<p>A copy of order forwarded to repd. no. 1 on 11/3/05</p>



No. of Order	of Order	Order with Signature	Office Note as to action (if any) taken on Order
		<p data-bbox="352 392 1193 489">For the reasons, observations and directions made above, this Writ Petition is finally disposed of.</p> <p data-bbox="735 506 1134 667"> ( <b>N. Surjamani Singh</b> ) <b>Chief Justice ( Actg. )</b></p> <p data-bbox="826 667 1125 818"> ( <b>A. P. Subba</b> ) <b>Judge</b></p> <p data-bbox="603 837 884 872"><b><u>C.M.A.No.7/2005</u></b></p> <p data-bbox="359 891 1203 1049">In view of the Order passed today in Writ Petition ( c ) No.3/2005, Misc. application is accordingly closed.</p> <p data-bbox="742 1042 1141 1378"> ( <b>N. Surjamani Singh</b> ) <b>Chief Justice ( Actg. )</b></p> <p data-bbox="826 1237 1069 1378"> ( <b>A. P. Subba</b> ) <b>Judge</b></p>	
At/			