



IN THE HIGH COURT OF SIKKIM

ORDER SHEET

Writ Petition (C) No. 03 of 2008
Shri Binod Hang Subba 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
01.	05.3.08	<p>Present: Dr. Doma T. Bhutia and Ms. Rupa Dhakal, Advocates for the Petitioner.</p> <p>Mr. J.B. Pradhan and Mr. Karma Thinlay, Government Advocates for the State-Respondents.</p> <p>...</p> <p>This is a writ petition and today is the day for admission. The writ petitioner submits that in the provisional list of Assistant Engineers which was published on 17.07.2006, the writ petitioner was shown at Sl. No. 9 but when the final list was published on 07.09.2007 he had gone down to Sl. No. 24. This is objected by the writ petitioner.</p> <p>There is nothing inherently wrong in the final list of seniority being different from the provisional list. It is well known that after publication of the provisional list objections are invited and further consideration is made and it is more likely that the final list will be different from the first provisional list.</p>	



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		<p data-bbox="345 392 1179 733">On behalf of the State Government it is explained that the date of promotion to the post of Assistant Engineer, for the writ petitioner is 20.05.2002 but all the others who have been placed just above Sl. No. 24 in the final list have been promoted earlier i.e. on 22.08.2001.</p> <p data-bbox="345 799 1179 1390">It is quite clear that if the date of promotion is earlier then the seniority in the promotee cadre will go to that person who has been promoted earlier. The writ petitioner makes a tall claim that all the promotions granted to the private respondents on 22.08.2001 are illegal because the norms were not followed. It is too late in the day to go back to the year 2001 and try to upset the service career of so many private respondents now.</p> <p data-bbox="350 1456 1179 1554">The writ petition has no merit. It is not admitted; it is dismissed.</p> <div data-bbox="930 1537 1179 1780"><p data-bbox="984 1537 1179 1610"><i>A.N. Ray</i></p><p data-bbox="930 1617 1179 1658">(A.N. Ray, CJ)</p><p data-bbox="995 1683 1130 1731"><i>A.P. Subba</i></p><p data-bbox="930 1739 1179 1780">(A.P. Subba, J)</p></div>	