

IN THE HIGH COURT OF SIKKIM

CIVIL JURISDICTION

W.P.(C) No. 14/2014
Geeta Sapkota vs. State of Sikkim & Ors.

BEFORE
HON'BLE THE CHIEF JUSTICE
MR. JUSTICE N.K. JAIN

04. 26.06.14 Present: M/s. A.K. Upadhyaya, Sr. Advocate with Binita Chhetri and Aruna Chhetri, Advocates for the Petitioner.

M/s. J.B. Pradhan, Addl. Advocate General with Thinlay Dorjee Bhutia, Advocate for the respondents.

...

Heard learned counsel for the parties.

The petitioner has preferred this writ petition, wherein it is averred that respondents No. 2 to 5 are junior to petitioner, but respondent No. 1, has promoted them, vide Order dated 29.11.2013, ignoring the claim of petitioner for promotion.

The writ petition was admitted and notice was issued to the respondents.

Mr. J.B. Pradhan, learned Addl. Advocate General submitted that the case of the petitioner has also been considered for promotion and she has been promoted vide order dated 25.06.2014 with effect from 28.11.2013 i.e. a day prior to the date of promotion of respondents No. 2 to

5. He, therefore, submitted that the writ petition has become infructuous and the same be dismissed as such.

Learned counsel for the petitioner submitted that respondent No. 1 has not passed any order to maintain the seniority of the petitioner and monetary benefits to be paid to petitioner from the date of her promotion. Therefore, necessary direction in this regard may be issued to the respondents.

Learned Addl. Advocate General submitted that since the petitioner has been promoted a day prior to the date of promotion of respondents No. 2 to 5, i.e. with effect from 28.11.2013, therefore, she will be placed above respondents No. 2 to 5 in the seniority list. He also submitted that no specific order is required to be passed in this regard and also with regard to monetary benefits, as the same will follow automatically.

I have considered the submissions of learned counsel for the parties. A copy of the Order dated 25.06.2014 has been taken on record, in view of order passed in SB CMA No. 178/2014, whereby the petitioner has been promoted with effect from 28.11.2013. Therefore, the writ petition to that extent has become infructuous. So far as seniority and moneterial benefits are concerned, the learned Addl. Advocate General fairly stated that the same will follow

automatically. In these circumstances, there is no need to pass any further direction in the matter.

In view of above, the writ petition stands disposed off. The respondent No. 1 is directed to grant monetary benefits to the petitioner from the date of her promotion, as early as possible, but not later than a period of two months.

Parties are directed to bear their own costs.

Chief Justice
26.06.2014

IN THE HIGH COURT OF SIKKIM

CIVIL JURISDICTION

**CMA No. 178/2014 in W.P.(C) No. 14/2014
Geeta Sapkota vs. State of Sikkim & Ors.**

**BEFORE
HON'BLE THE CHIEF JUSTICE
MR. JUSTICE N.K. JAIN**

01. 26.06.14 Present: M/s. A.K. Upadhyaya, Sr. Advocate with Binita Chhetri and Aruna Chhetri, Advocates for the Petitioner.

M/s. J.B. Pradhan, Addl. Advocate General with Thinlay Dorjee Bhutia, Advocate for the respondents.

...

For the reasons mentioned in the Application, the document annexed with the Application is taken on record.

The Application stands allowed.

Chief Justice
26.06.2014