

W.P.(C) No. 58/2016
Sharda Rani Lepcha vs. State of Sikkim & Ors.

BEFORE
MR. JUSTICE SATISH K. AGNIHOTRI, CJ.

02. 14.02.17 Present: Ms. Doma T. Bhutia, Ms. Rachhitta Rai, Ms. Babita Rai and Ms. Gracy Rai, Advocates for the Petitioner.

Mr. J.B. Pradhan, Addl. Advocate General with Mr. Karma Thinlay, Sr. Govt. Advocate, Mr. Santosh Kr. Chettri and Ms. Pollin Rai, Asstt. Govt. Advocates for the State-Respondents.

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Assailing the office order dated 09.11.2016, whereunder the petitioner holding the office of the Superintendent of Police, Home Guards & Civil Defence, was transferred and posted as Vigilance Officer, Roads and Bridges Department, Government of Sikkim, the writ petition was filed. The contention of the learned counsel for the petitioner is that the order is de-horse the well settled principles of law as laid down by the Supreme Court in ***Prakash Singh & Others vs. Union of India & Others : (2006) 8 SCC 1.***

On receipt of the notice issued by this Court, the State Government, it appears, on examination of the office order came to the conclusion that the impugned office order required to be cancelled. Consequently, the impugned office order was cancelled subsequently by office order dated 04.02.2017, during pendency of the writ petition. The fact of the cancellation of the impugned office order dated 09.11.2016 was brought on record by

way of an application being IA No. 01/2017, which is taken on record.

In view of forgoing, nothing survives of adjudication. The petition has become infructuous as fairly submitted by the learned counsel for the petitioner. Resultantly, the writ petition is dismissed as having become infructuous.

IA No. 01/2016 and IA No. 02/2017 also stand disposed of.

Sd/-
Chief Justice
14.02.2017

jk/pm **Index : ~~Yes~~ / No**
 Internet : Yes / ~~No~~