

HIGH COURT OF SIKKIM
Record of Proceedings

WP(C) No.80 of 2025

LETHA P. ANTONY

PETITIONER

VERSUS

STATE OF SIKKIM AND ANOTHER

RESPONDENTS

Date: 10.12.2025

CORAM :

THE HON'BLE MRS. JUSTICE MEENAKSHI MADAN RAI, JUDGE

For Petitioner Mr. A. Moulik, Senior Advocate.
 Mr. Ranjit Prasad, Advocate.
 Ms. Neha Kumari Gupta, Advocate.
 Ms. Laxmi Khawas, Advocate.

For Respondents Mr. Zangpo Sherpa, Additional Advocate General.
 Mr. Sujan Sunwar, Assistant Government Advocate.

ORDER

Heard Learned Counsel for the Petitioner.

The prayers in the Writ Petition are as follows;

- “
- (i) Rule upon the respondents and each of them to show-cause as to why the present petition shall not be allowed and after hearing the parties to make the rule absolute;
 - (ii) A writ or order or direction or declaration that, the appointment of the petitioner in the regular establishment be made effective from the first date of her joining in service under the respondents on 18/2/97 in place of her appointment in regular service on 30/5/2002 vide Memorandum dated 27/5/02 and office order dated 30/5/02 (Annexure-P10 and P11);
 - (iii) A writ or order or direction or declaration that, the petitioner be paid annual increments as an employee in regular establishment and the same be cumulatively added to her service with effect from the first date of her joining in service on 18/2/97 duly acknowledging the said date as the date of her appointment in the regular establishment;
 - (iv) A writ or order or direction or declaration that, the contract appointment of the petitioner on and after 17.2.97 (till her appointment on 30/5/5002) in regular service was wrong and illegal as such the term of contract appointment vide office orders dated 17/2/97 and 12/2/99 and Adhoc appointments vide office orders dated 12/2/2001 and 18/2/2002; be treated as wrong, cancel the same and treat that period as regular appointment including the periods of artificial break in service;

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- (v) A writ or order or direction or declaration that earned leave may also be added cumulatively to her service in the leave chart with effect from 18/2/97;
- (vi) A writ or order or direction or declaration that monetary benefits in arrears be paid duly treating entire service with effect from 18/2/97 as regular service of the petitioner;
- (vii) A writ or order or direction or declaration that, the basic pay of the petitioner in the regular establishment with effect from 18/2/97 be allowed at par with all those candidates who acquired the highest position in the salary and who were appointed as per employment notice dated 06/04/1996;
- (viii) A writ or order or direction or declaration that, entire service of the petitioner with all annual increments from 18/2/97 be taken into account in fixing statutory pension, gratuity, final leave encashment etc. for which the period of artificial break in her service be also counted;
- (ix) A writ or order or direction or declaration that, advancement grade scale be refixed without any break by taking entire service as unbreakable and as regular service with effect from 18/2/97 and to provide arrears of the benefits of service;
- (x) A writ or order or direction or declaration that, the period of artificial break in service in case of the petitioner for the period from 18/2/97 to 30/5/2002 i.e. for 194 days be considered as illegal and the benefits of continuation of service for the said break periods be given to the petitioner including continuation of her regular service, increments, all other benefits w.e.f. 18/2/97;
- (xi) Any other writ or order or direction or declaration as this Hon'ble Court may deem fit and proper in the interest of justice."

Issue Notice to the Respondents.

Learned Additional Advocate General assisted by Learned Assistant Government Advocate are present for the Respondents on advance Notice and waives formal Notice.

Let Counter-Affidavit be filed within four weeks.

Rejoinder thereto two weeks hence.

List on 05-03-2026.

Judge
10.12.2025