
(2024) 04 SIK CK 0096
In the Sikkim High Court
Case No : Writ Appeal No. 07 Of 2023

Karma Tshering Bhutia

APPELLANT

Vs

State Of Sikkim & Ors.

RESPONDENT

Date of Decision : 30-04-2024

Acts Referred:

Citation : (2024) 04 SIK CK 0096

Hon'ble Judges : Biswanath Somadder, CJ; Bhaskar Raj Pradhan, J

Bench : Division Bench

Advocate : Girmey Bhutia, Zangpo Sherpa, Sujan Sunwar, Ganesh Man Chettri

Judgement

Biswanath Somadder, CJ

On 22nd March, 2024, we had passed the following orders: -

"On the prayer of the learned Advocate representing respondent no.4, let this matter stand adjourned till Friday, i.e. 26th April, 2024.

On that day, the parties shall submit before this Court as to whether they agree for the matter to be tried and resolved through the process of Mediation. The authorized representatives of the parties shall be present in the Court on the next date."

Today, when the matter is taken up for consideration, the authorised representative of one of the parties, namely, Dean of the College of Agriculture Engineering & Post Harvest Technology, Central Agriculture University, Ranipool, Sikkim, appears through his counsel and submits that he is before this Court under the authority of his Vice-Chancellor. However, on a specific query of the Court as to whether his University is ready to go through the process of Mediation, he could not give any satisfactory answer. He merely submits that the University is under the Government of India and as such all decisions including the decision for joining the process of resolution of dispute through the mechanism of Mediation cannot be taken either by him or by his Vice-Chancellor.

We find this stand rather strange since it is the endeavour of the Court to resolve the disputes between the parties efficaciously and effectively through the process of Mediation. We, therefore, direct the learned Deputy Solicitor General of India — who is present in Court — to bring this matter to the notice of the Secretary, Ministry of Agriculture, Government of India, so that the concerned Ministry can give necessary instructions to the respondent no.4, on or before the next date of hearing.

List this matter under an appropriate heading on 15th May, 2024.