

# SIKKIM



## GOVERNMENT

## GAZETTE

EXTRA ORDINARY  
PUBLISHED BY AUTHORITY

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GANGTOK

12<sup>th</sup> February, 2013

No .49

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GOVERNMENT OF SIKKIM  
CULTURAL AFFAIRS & HERITAGE DEPARTMENT  
GANGTOK

No. 11 /CA&HD

Dated: 2.2.2013.

### NOTIFICATION

The Department has constituted different Committees for various projects which require expert advice to prepare concept papers. Persons with knowledge and expertise on different / concerned fields have been nominated as members of the Committee.

Now with the approval of the Government, the Department has decided to pay an honorarium of Rs. 500/- (Rupees five hundred) only to the members of such Committees for every meeting attended. They will be paid Travel Allowances as per Government norms for every field visit undertaken.

Sd/-  
(Nalini G. Pradhan),  
Commissioner cum Secretary,  
Cultural Affairs & Heritage Department.

**SIKKIM**  
**GOVERNMENT**  **GAZETTE**

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**Gangtok**

**12<sup>th</sup> February, 2013**

**No.51**

**Motor Vehicles Division  
Transport Department  
Government of Sikkim, Gangtok**

**NO: 196/MV/T**

**DATED: 11.01.2013**

**NOTIFICATION**

In exercise of the powers conferred under Rule 108 of Central Motor Vehicles Rules, 1989, the Vice Chancellor, Sikkim University may use Static Red Light in his Government vehicle.

By Order.

**Sd/-  
Special Secretary**

**Memo No. 1682  
11.01.2013**

**Dated**

Copy to: -

1. The Vice Chancellor, Sikkim University
2. All Secretaries / Head of Departments
3. Pr. Secretary to the Governor of Sikkim
4. Director General of Police, Police Head Quarter, Gangtok
5. Principal Secretary to HCM, CM Secretariat, Gangtok
6. Director, IPR – for publication in the Sikkim Herald
7. Additional Secretary, Home Department – for publication in the Gazette
8. The Superintendent of Police (East / West / North / South)
9. Private Secretaries to the Hon'ble Speaker, Dy. Speaker and Ministers
10. Private Secretary to the Chief Secretary, Gangtok
11. File and
12. Guard File.

**Joint Secretary**

**SIKKIM**  
**GOVERNMENT**  **GAZETTE**

**EXTRAORDINARY  
PUBLISHED BY AUTHORITY**

**Gangtok**

**12<sup>th</sup> February, 2013**

**No.53**

Government of Sikkim  
Land Revenue and Disaster Management Department, Gangtok  
(New Secretariat, Development Area, Gangtok, Sikkim-737101/Phone: 03592-202664/Fax:  
03592-201145/202932/Website: Http: / ssdma.org Emailid: ccs-lr-sik @nic.in/Sikkimsdma  
@gmail.com.

**NOTIFICATION NO: 110/212/GOS/LR & DMD/ACQ  
02/02/2013.**

**DATED:**

**NOTICE UNDER SECTION 4(1) OF LAND  
ACQUISITION ACT, 1894 (ACT 1 OF 1894)**

Whereas, it appears to the Governor that land is likely to be needed for a public purpose, not being a purpose of the Union, namely for the Construction of SPWD Road from Old Veterinary Complex to Tharpu via Namchi-Bazar, Kopchey by Roads & Bridges Department, Government of Sikkim in the block of Namchi-Bazar, Singithang & Kopchey, South Sikkim, it is hereby notified that the pieces of land comprising cadastral plot nos. and measuring an area more or less 1.0335 hectare shown under the Schedule of properties as under:-

**BLOCK : Namchi Bazar.**

Plot nos: **356, 358/P, 363/P, 364/P, 365/P, 366/P, 366/716 & 360/439/P.**

Area: **0.715** hectares.

**BLOCK : Singithang**

Plot nos: **333/A, 333/B, 334/P, 335/P, 494/P, 496/P, 497/P, 501/P, 501/696,  
501/1209/P, 500/1255/P, 501/1256.**

Area: **.4200** hectare

**BLOCK : Kopchey**

Plot nos. **64/P, 71/A, 71/B, 76/P, 77/P, 79/P, 80/A, 80/B, 84/A, 84/B, 240/P, 244/P,  
247/P, 279/P, 84/574/P, 65/609/P, 65/610/P, 71/638, 71/752/P, 71/755/P, 71/761/P,  
65/789/P.**

Area: **1.0420** hectare is likely to be needed for the aforesaid public purpose at the public expenses within the aforesaid block of Namchi-Bazar, Singithang & Kopchey, South Sikkim.

This notification is made, under the provision Section 4 of Act 1 of 1894 (Act 1 of 1894) to all to whom it may concern.

A plan of the land may be inspected in the office of the District Collector, South, Namchi.

In exercise of power conferred by the aforesaid section the Governor is pleased to authorize the officers for the time being engaged in the undertaking, with the servants and workmen, to enter upon and survey the land and do all other acts requested or permitted by the that section.

And whereas, there is urgency to acquire the land, Governor is further pleased to directed under Section 17 (4) that the provision of section 5 A of the Act shall not apply.

**SD/- S.B.S BHADAURIA**  
**SECRETARY,**  
**LAND REVENUE & DM. DEPARTMENT,**  
**GOVERNMENT OF SIKKIM,GANGTOK.**  
**FILE NO. 212/ GOS/LR & DMD/ACQ.**

**SIKKIM**

**GOVERNMENT**  **GAZETTE**

**EXTRAORDINARY  
PUBLISHED BY AUTHORITY**

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**GANGTOK  
No:54**

**12<sup>TH</sup> February 2013**

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**GOVERNMENT OF SIKKIM,  
DEPARTMENT OF LABOUR  
GANGTOKss**

**NOTIFICATION**

**No.12/DL.....  
Date:07.02.2013**

Whereas the draft of the Sikkim Employees State Insurance Court Rules 1996 was published as required under the clause (a) to(c) of sub-section (1) of section 96 of the Employees State Insurance Act,1948, (34 of 1948) in the Sikkim Government Extraordinary Gazette No. 128 dated-11<sup>th</sup> September 1996 inviting objections and suggestions from all persons likely to be effected thereby, till the expiry of a period of 45 days from the date of publication of the said notification in the official Gazette.

And whereas no objections and suggestions have been received from any person on the draft;

Now, therefore, in exercise of power conferred by clause (a) to(c) of sub-section (1) of section 96 of the said Act, the State Government in consultation with the Employees State Insurance Corporation hereby makes the following rules, namely;

**The Sikkim Employees State Insurance Court Rules, 2012.**

**CHAPTER I**

***Short title and  
commencement***

- 1.** (1)These rules may be called the Sikkim Employees State Insurance Court Rules, 2012.  
(2) They shall come into force from the date of their publication in the Official Gazette.

***Definitions***

- 2.** In these Rules, unless there is any thing repugnant to the subject or context:-  
(a) "Act" means the Employees' State Insurance Act,1948.

(b) "Court" means an Employees' Insurance Court constituted under section 74 of the Act;

(c) "Form" means a form appended to these rules;

(d) "State Government" means the Government of Sikkim:

(e) "High Court" means the High Court of Sikkim;

(f) "Section" means the section of the Act.

All other words and expression used herein and not defined shall have the same meanings as assigned to them in the Act.

***Constitution of the Courts and place of sitting***

**3.**

- (1) A Court shall ordinarily consist of one Judge:  
Provided that the State Government may, after consultation with the Corporation, by notification in the Official Gazette, appoint two or more Judges to a Court for any particular proceeding or class of proceedings and for such period as may be specified in the notification.
- (2) Subject to the provision of rule (6), a Court shall sit at such place or places and at such time as the State Government may, after consultation with the Corporation from time to time specify.

***Constitution of the Officer of a Civil or Criminal Court as a Court***

**4. Presiding**

The State Government may Constitute the Presiding Officer of any Civil or Criminal Court in the State as a Court for the purpose of the Act and such Presiding Officer shall thereupon discharge the function of the Court in addition to his own duties.

***Distribution of business where there are more Courts than one***

**5.**

Where more than one Court is constituted for the same local area, the State Government may, after consultation with Corporation by a general or special order, distribute business among them.

***Fixing of time of sitting etc. where there is one Court for***

**6.**

- (1) Where one Court is constituted for two or more local areas, the Court shall, subject to the approval of the State Government appoint the time at which the Court shall sit in respect of each local area or in respect of any class of

***two or more  
local areas***

proceedings under the Act.

- (2) A notice of the time appoint under sub-rule (1) shall be published in such a manner as the State Government may from time to time direct.

***Procedure where  
there are more  
Judges than one.***

**7.**

- (1) Where more than one Judge have been appointed to a Court, the State Government shall specify their rank and Precedence.
- (2) The Senior Judge for the time being shall, from time to time, make such arrangements, as he thinks fit, for the distribution of business of the Court among the Judges thereof.
- (3) When two or more Judges, sitting together differ on any question, the opinion of the majority of such Judges shall prevail, where there is no majority, the opinion of the senior most Judge shall, unless the State Government otherwise directs, prevail.

***Abolition, etc.  
of a Court***

**8.**

The State Government may, with the consent of the Corporation, by notification in the Official Gazette abolish any Court, or by alike notification alter the Jurisdiction of any Court.

***Appointment  
salaries,  
allowances,  
Conditions of  
service of Judges  
etc.***

**9.**

- (1) The State Government may, appoint a person qualified under section 74 of the Act to be a Judge of a Court.
- (2) A Judge shall receive such salary and allowances as the State Government may, after Consultation with the Corporation and that High Court from time to time, determine.
- (3) A Judge shall receive dearness allowance and such other allowances at such rates and subject to such conditions as are applicable to Officers of the Government of a corresponding rank stationed at the same place. A Judge shall be entitled to leave and leave salary under the Leave Rules which may from time to time be applicable to other State Government servants of similar status and drawing similar emoluments.
- (4) A Judge shall be entitled to travelling allowance for journeys performed on official business in accordance with the scale applicable to the class of officers to which in the opinion of the State Government such Judge belongs.

(5) A Judge shall be subject to such other conditions of service as the State Government may, after consultation with the Corporation and the High Court determine.

(6) Notwithstanding anything contained in sub-rules(2),(3) (4) and(5), the pay, allowances and other conditions of service of Judge, if he is a person already in the service, shall be such as the State Government after consultation with the corporation and with the approval of the High Court, by general or special order from time to time, determine.

(7) Where the State Government confers the powers of a Court on the Presiding Officer of a Civil or Criminal Court, the Presiding Officer may be paid such additional allowance as the State government may after consultation with the Corporation determine.

***Appointment of other Officers and Subordinate staff***

**10.**

(1) The State Government may with the consent of the Corporation appoint such ministerial officers and other subordinate staff as may be necessary for the exercise and performance of the powers and duties conferred and imposed on a Court by or under the Act.

(2) The Ministerial Officers and the subordinate staff of a Court shall exercise such powers and discharge such duties as the Judges or, if there are more Judges than one, the senior Judge may, subject to any order of the State Government from time to time direct.

(3) The Ministerial Officers and the subordinate staff of the Court shall, subject to such conditions of service draw such salaries and other emoluments and receive such benefits as may be fixed by the State Government after consultation with the Corporation and the High Court.

***Administrative control of the High Court***

**11.**

A Court shall be Subject to the administrative control and Superintendence of the High Court and shall:-

(a) Keep such registers, books and account as the High Court may from time to time direct, and



- (b) Comply with such requisitions as may be made by the High Court or the State Government for submission of service records, returns and statements in such forms and in such manner as the authority making the requisition directs.

*Seal.*

**12.**

A Court shall keep a seal of such size, dimension and design as the State Government may, direct.

## **CHAPTER II**

### **PROCEDURE AND EXECUTION OF ORDERS**

*Application*     **13.**

- (1) Every proceeding under section 75 shall be instituted by the presentation of an application to the Court.
- (2) Every such application shall be verified in the same manner as a pleading in Civil Court and shall be accompanied by two copies thereof.
- (3) An application under section 77 shall be presented in Form I and shall be duly stamped in accordance with these rules and shall contain the following particulars:-
  - (i) the name of the Court in which the application is brought;
  - (ii) the full name including the father's name, description including age, occupation and place of residence of the party who present the application or the applicant;
  - (iii) the full name including the father's name description including age, occupation and place of residence of the party from whom the applicant claims relief

therein after referred to as the opposite party so far they can be ascertained:

- (iv) Where the applicant or the opposite party is a minor or a person of unsound mind, a statement to that effect and the full name, age, occupation and address of his or her next friend or guardian;
- (v) the facts constituting the cause of action and the date when it arose;
- (vi) the facts showing that the Court has jurisdiction;
- (vii) particulars giving the address within the jurisdiction of the Court at which notice or summons may be served on the applicant; and
- (viii) The relief which the applicant claims.

- (4) The Court may summarily reject an application if it is not in accordance with sub rule (3).

***Production of Document 14.***

- (1) When any application is based upon a document, the document shall be appended to the application.
- (2) Any other documents which any party desires to tender in evidence, shall be produced at or before the first hearing.
- (3) Any document which is not produced at or within the time specified in sub-rule (1) or (2) as the case may be, shall not, without the permission of the Court, be admissible in evidence on behalf of the party who should have produced it.
- (4) All such documents shall be accompanied by an accurate list thereof prepared in the manner prescribed in Form 2.
- (5) Nothing in this rule shall apply to any document which is produced for the purpose of cross-examination of a witness or is handed over to a witness to refresh his memory.

- Register of application**      **15.**      All applications shall be entered in a Register in Form 3 called the Register of proceedings. Such entries shall be serially numbered for every calendar year according to the order in which the applications are presented.
- Place of suing**      **16.**      In cases not falling under sub-section (1) of section 76, a proceeding against any person shall be instituted in the Court within the local limits of whose jurisdiction.
- (a)    the opposite parties or each of the opposite parties where there are more than one, at the time of commencement of the proceedings actually and voluntarily resides or carries on business or personally works for gain; or
- (b)    any of the opposite parties, where there are more than one at the time of the commencement of the proceedings actually and voluntarily resides, or carries on business, or personally works for gain;
- Provided that in such case either the leave of the Court is given or the opposite parties who do not reside, or carry on business or personally work, for gain, as aforesaid, acquiesce in such institution, or
- (c)    The cause of action, wholly or in part, arose.
- Limitations**      **17.**      (1)    Every application to the Court shall be brought within three years from the date on which the cause of action arose or as the case may be the claim became due;
- Provided that the Court may entertain an application after the said period of three years if it is satisfied that the applicant had sufficient reasons for not making the application within the said period.
- (2)    Subject as aforesaid the provisions of Part II and III of

Indian Limitation Act, 1908 (XI of 1908) shall so far as may be, apply to every such application.

***Application  
presented to  
wrong Court***

- 18.** (1) where on receiving an application it appears to the Court that it should be presented to another Court, It shall return it to the applicant after endorsing upon it the dates of the presentation and return, the reasons for returning it and the name of the Court to which it should be present.

***Proceedings  
involving  
disablement  
questions***

- 19.** (1) If in any proceedings before the Courts a disablement question(as defined in section 54)arises and the decisions of Medical Board or a Medical Appeal Tribunal has not been obtained on the same and the decision of such question is necessary for the determination of the claim or question before the Court that Court shall direct the Corporation to have the question decided laid down in sub-section(2-A)of section 75 and shall thereafter proceed with the determination of the claim in question before it in accordance with sub-section(2-a)of Section-75.

- (2) Where it appears to the Court at any stage subsequent to the presentation of an application that the application should have been presented to another Court in the State, the first mentioned Court shall send the Application to the Court empowered to deal with it and shall inform the applicant and the opposite party, if he has received a copy of the application under rule 17 accordingly.

- (3) The Court to which an application is transferred under sub-rule(2) may continue the proceedings as if the previous proceedings or any part of it had been taken before it, if it is satisfied that the interests of the parties will not thereby be prejudiced.

***Issue of  
Summons***

**20.**

- (1) On receiving an application, the Court shall, ordinarily within three days there of cause to be sent to the opposite party a summon in Form 4 or Form 5, as the case may be, to appear and answer the application on a day not later than fifteen days from the date of issue of such summons:

Provides that no such summons shall be issued when the opposite party has appeared at the presentation of the application and admitted the applicant's claim.

- (2) A Copy of the application shall also be sent along with the summons under sub-rule (1).

***Service of  
summons  
or notice***

**21.**

- (1) A summon or notice may, on payment of the required fee, be sent by the Court by which it is issued, either by registered post or in such other manner as the Court thinks fit.

- (2) Where the Court is satisfied that there is reason to believe that the opposite party is avoiding service or that for any reason, the summons or the notice cannot be served in the ordinary way, the Court shall order the summons or the notice to be served by affixing a copy thereof in some conspicuous place in the Court house and also some conspicuous place in the house, in which

the opposite party is known to have last resided or carried on business or personally worked for gain or in such other manner as the Court thinks fit and service shall be as effectual as it had been made on the opposite party personally.

- (3) Where a summon or notice is served under sub-rule (2), the Court shall fix such time for the appearance of the opposite party as the circumstances of the case may require.

***Additional matters***

**22.**

The Court shall determine at the time of issuing the

*in summons*

summons, whether it shall be for the settlement of the issues only or for the final disposal of the application or for both and the summons shall contain direction accordingly. The Court may also call upon the parties to produce any evidence which they wish to tender.

**Written  
statement**

**23.**

- (1) The opposite party may, and if so required by the Court, shall, at or before the first hearing or within such time as the Court may permit, present a written statement of his defence along with the documents on which he relied and an accurate list thereof in form 2.
- (2) Every such written statement shall be verified in the same manner as a pleading in Civil Court and shall be accompanied by two copies thereof.
- (3) In every written statement submitted under sub-rule (1), the opposite party shall deal specifically with each allegation of facts alleged by the applicant, of which he admits or does not admit or denies the truth. The written statement shall also contain all matters which show that the application is not maintainable and all such grounds of defence as, if not raised, would be likely to take the applicant by surprise or would raise issues of fact not raising out of the application as for instance, fraud, undue influence or coercion, release, payment, performance or facts showing illegality of the transaction.

<b><i>Failure to present written statement called for by the Court</i></b>	<b>24.</b>	Where any party from whom a written statement is required fails to present the same within the time fixed by the Court, the Court may pronounce judgment against it or make such order in relation to the proceedings as it thinks fit.
<b><i>Framing of issues</i></b>	<b>25.</b>	<ol style="list-style-type: none"> <li style="margin-bottom: 10px;">(1) At the first hearing of the application after the summon is served, the Court shall, after considering the application and the written statement, if any, or after such examination of the parties or any person or any document as may appear necessary, ascertain upon what material proposition of fact or of law the parties are at variance and shall thereupon proceed to frame and record the issues upon which the right decision appears to depend.</li> <li style="margin-bottom: 10px;">(2) In recording the issues, the Court shall distinguish between those issues which in its opinion concern points of fact and those which concern points of law.</li> <li>(3) The Court may, in the like manner, at any time before passing its final order add to, strike out from or in any way amend the issues on such terms as it may think fit.</li> </ol>
<b><i>Order where parties are not at issue</i></b>	<b>26.</b>	Where at any hearing of the case it appears that the parties are not at issue on any question of law or of fact, the Court may, at once pronounce its final order.
<b><i>Appearance of parties and consequences of non- appearance</i></b>	<b>27.</b>	<ol style="list-style-type: none"> <li style="margin-bottom: 10px;">(1) On the day fixed in the summons for the opposite party to appear and answer, the parties shall be in attendance in Court in person or by their respective legal practitioner or any other person authorized under section 79 and the application shall then be heard unless the hearing is adjourned by the Court.</li> <li>(2) When neither party appears when the application is called for hearing, the Court may, make an order that the application be dismissed.</li> </ol>

- (3) When the opposite party appears and the applicant does not appear when the application is called for hearing, the Court shall, make an order that the application be dismissed unless the opposite party admits the claim or part thereof in which case the Court shall make an order against the opposite party upon such admission and where only part of the claim has been admitted, it shall dismiss the case so far as it relates to the remainder.
- (4) Where the applicant appears and the opposite party after receiving the summons fails to appear when the application is called for hearing, the Court may proceed ex- parte.
- (5) Where the application is wholly or partly dismissed under sub-rule (2) or (3), the applicant may within thirty days of such dismissal apply in Form 6 supported with an affidavit for an order to set the dismissal aside and the Court shall, if it is satisfied that he was prevented from appearing when the proceeding was called for hearing due to any sufficient cause, make an order setting aside the dismissal upon such terms as to costs or otherwise as it thinks fit and may proceed with the case or appoint a day for proceeding with the same;
- Provided that no order under this sub- rule shall be made in respect of an application which is dismissed under sub- rule (3) unless notice of the application has been served in Form 7 on the opposite party.
- (6) In any application in which an ex- parte order has been passed against the opposite party, he may within thirty days from the date of such order apply in Form 6 to the Court which passed the order to set it aside and if the Court is satisfied that he was prevented from appearing when the proceeding was called for hearing due to any sufficient cause , it shall after serving notice thereof to the applicant in Form 7 make an order setting aside the order upon terms as to costs or otherwise as it thinks fit and may proceed with the hearing of the case or appoint a day for proceeding with the same.



***Summoning  
of witness***

**28.**

- (1) At the time after the framing of the issues, the Court may, call upon the parties to produce their evidence in support of the issues.
- (2) The Court may, on the application of either party, issue summon in Form 8 to any witness directing him to attend or to produce any documents.
- (3) The Court may, before summoning any witness on application under sub- rule (2) require that his reasonable expenses to be incurred in attending the Court be deposited with it.

***Grant of time  
and  
adjournment  
of hearing***

**29.**

- (1) The Court may, if sufficient cause is shown at any stage of application, grant time to the parties or to any of them and may from time to time, adjourn the hearing of the application.
- (2) In every such adjournment the Court shall fix a day not exceeding fifteen days from the date on which such adjournment is made for the further hearing of the application and may make such order as it thinks fit with respect to the costs occasioned by the adjournment.

Provided that when the hearing of the evidence has once begun the hearing of the application shall be continued from day to day until all the witness in attendance have been examined, unless the Court finds the adjournment of the hearing beyond the following day to be necessary for reasons to be recorded.

***Right to begin  
proceedings***

**30.**

The applicant has right to begin unless the opposite party admits the facts alleged by the applicant and contends that either in point of law or on some additional facts alleged by the opposite party, the applicant is not entitled to the relief which he seeks, in which case the opposite party has the right to begin.

***Statement  
and  
production  
of evidence***

**31.**

- (1) On the day fixed for the hearing of the application or any other day to which the hearing is adjourned, the party having the right to begin shall state his case, and produce his evidence in support of the issues which he is bound to prove.

- (2) The other party shall then state his case and produce his evidence, if any, and may then address the Court generally on the whole case
- (3) The party beginning may then reply generally on the whole case.

***Method of recording evidence***

**32.**

The evidence of each witness shall be taken down in writing by the Judge or where there is more than one Judge, by the Junior in the language of the Court, not ordinarily in the form of question and answer but in that of a narrative, and when completed, shall be read over or translated, where necessary, in the presence of such Judge to the witness, and such Judge shall, if necessary, correct the same and sign it.

***Recall of a witness***

**33.**

The Court may, at any stage of a proceeding recall any witness who has been examined and may put such questions to him as the Court thinks fit.

***Inspection by Court***

**34.**

The Court may, at any stage of a proceeding inspect any property or thing concerning which any question may arise.

***Pronouncement of order***

**35.**

The Court, after the application has been heard, shall pronounce its final order in open Court either at once or on some further day, of which due notice shall be given to the parties.

***Signing of order***

**36.**

The final order shall be dated and signed in open Court at the time of pronouncing it and, when once signed, shall not afterwards be altered or added to, save in the case of clerical or arithmetical mistakes arising from any accidental slip or omission.

***Statement of decision on each issues***

**37.**

In cases in which the issues have been framed, the Court shall state its finding or decision, with the reasons therefore, upon each separate issue, unless the finding upon any one or more of the issues is sufficient for the decision of the case.

	<b><i>Compromise of suit</i></b>	<b>38.</b>	Where it is proved to the satisfaction of the Court that a case has been adjusted wholly or in part by any lawful agreement or compromise or where the opposite party satisfies the applicant in respect of the whole or any part of the subject matter of the case, the Court shall order such agreement compromise, or satisfaction to be recorded and shall pass a final order, in accordance therewith so far as it relates to the case.
	<b><i>Finality of order</i></b>	<b>39.</b>	Save as provided in section 82, the order of a Court shall be final and binding upon the parties.
	<b><i>Costs, decree etc.</i></b>	<b>40.</b>	<p>(1) The costs of incidental to the application shall be in the discretion of the Court and the Court shall have full powers to determine by whom or out of what property and to what extent such costs are to be paid and to give all necessary directions for the purpose aforesaid. The facts that the Court has no jurisdiction to try the case shall be no bar to the exercise of such powers.</p> <p>(2) Where the Court directs any cost shall not follow the event, the Court shall state its reasons in writing.</p>
1	<b><i>Contents of the decree</i></b>	<b>41.</b>	<p>(1) A decree in Form-9 shall be prepared in conformity with the order made by the Court. It shall contain the number of the application, the name and description of the Party, the particulars of the claims and shall specify clearly the relief granted or other determination of the proceeding.</p> <p>(2) The decree shall also state the amount of costs</p>

incurred in the proceeding and by whom and in what proportions such cost are to be paid.

- (3) The Court may, direct that the cost payable to one party by the other shall be set up against any sum which is admitted or found to be due from the former to the latter.

***Certified copies  
of order  
decree etc.  
to be furnished***

**42.**

(1) Certified copies of the final order, decree or any other order or matter on the cost shall be furnished to the parties on application to the Court and at their expenses.

(2) If any party requires copies of any order, decree or any other matter on record made by or furnished to the Court as the case may be, to be supplied to him within forty eight hours of the submission of an application therefore to the Court, he shall pay an additional fee of Rs 5.00 for each such copy.

(3) If any party applies for copies of any order, decree or any other matters on record made by or furnished to the Court as the case may be after the expiry of twelve months from the date of such making or furnishing, as the case may be, he shall pay an additional searching fee of Rs. 10.00

***Execution.***

**43.**

(1) Any person in whose favour an order has been passed shall, within one year from the date of the order, apply in 'Form10' to the Court which made the order.

(2) On such application being made, the Court shall send the same together with the necessary record to a Civil Court of competent jurisdiction for its execution and such Court shall have the same power in executing such order as if has been passed by it.

***Communication  
of fact of execution  
or otherwise***

**44.**

The Court to which a decree is sent for execution shall certify to the Court which passed it the fact of such execution or where that Court fails to execute the same, the circumstances attending such failure.

***Fees and cost***

**45.**

- (1) The fee payable on an application in respect of any matter referred to in section 75 shall be ten rupees.
- (2) Subject to the provisions hereinafter mentioned in these rules, the fee payable in respect of any other application except a written statement called for by the Court under this rules shall be five rupees only.

Provided that the fee for an application for obtaining a copy of translation of any documents on record or statement, order or decree presented to or made before or by the Court, as the case may be, shall be rupees five only.

- (3) The fee for copies of any documents on record or statement or order or decree shall be such as may from time to time be determined by the Govt. after consultation with the Corporation.
- (4) The fee for any authorization for the appearance of any person under section 79 on behalf of any of the parties in a case shall be rupees ten.
- (5) The fee for filing certified copies of any documents in a Court shall be rupees ten only.
- (6) All fees referred to in this rule and rule 42 shall be collected by means of Court fee stamps used in ordinary Courts and no documents which ought to bear stamps under these rules shall be of any validity unless and until it is properly stamped:

Provided that where any such documents is by mistake or inadvertence received, filed or used in a Court without being properly stamped, the Court may, if it thinks

fit, order that such documents be stamped as it may direct and on such documents being stamped accordingly the same an every proceeding relating thereto shall be as valid as if it had been properly stamped in the first instance.

(7) No document requiring a stamp under this rule shall be acted upon in any proceeding in a Court until the stamp has been cancelled.

***Payment of costs of services of summons etc***

**46.**

(1) The costs of service of summons or notice or the expenses of the witnesses in any case or the fee payable in respect of any matter not referred to in rule 42 shall be such amount as may be specified in each case by the Court, and such amount or any other sum of money payable under these rules shall be paid in such manner and within such time as it may specify therefore.

(2) Any amount which is left over after meeting the expenses, if any, for which it was intended, shall be returned by the Court to the party by whom or on whose behalf the amount was originally paid in the Court.

(3) The Court shall maintain proper accounts of the amount received and disbursed under sub- rule (1).

***Fees and costs of poor persons***

**47.**

The Court may, whenever it thinks fit, receive and register proceedings instituted under the Act and applications made under these rules, by persons who are paupers, and may issue summons or notice on behalf of such persons, without payment or on a part payment of the fees and costs mentioned in rules 45 and 46.

**MISCELLANEOUS  
CHAPTER IV**

***Provisions in***

**48.**

In respect of matters relating to procedure or admission of

***the Code of  
Civil  
Procedure,  
1908  
(V of 1908) etc.  
to apply.***

evidence, for which no specific provision is made in these rules, the provisions of the Code of Civil Procedure, 1908 (V of 1908) including the rules made there under and the Indian Evidence Act, 1872 (I of 1872) shall, so far as may be applied to proceedings under the Act.

**C.T Wangdi, SCS,  
SECRETARY  
LABOUR DEPARTMENT  
GOVERNMENT OF SIKKIM  
GANGTOK  
(F. NO.DL/15(1A)/12-**

**13)**

**SIKKIM**  
**GOVERNMENT**  **GAZETTE**

**EXTRAORDINARY  
PUBLISHED BY AUTHORITY**

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**Gangtok  
No.55**

**12<sup>th</sup> February, 2013**

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**NOTIFICATION NO. 79 /GEN/DOP  
DATED: 21/01/2013**

**NOTIFICATION**

The State Government is hereby pleased to up-grade the post of Social Welfare Officer presently held by Shri. N. T. Bhutia to that of Deputy Director in the Pay Band - 3 of ` 15600 - 39100 plus Grade Pay of ` 6200 in the Social Justice, Empowerment and Welfare Department with effect from the date the upgraded post is filled-up through promotion on the recommendation of Sikkim Public Service Commission.

The above upgraded post shall stand restored as and when the upgraded post is vacated by the incumbent on account of transfer, promotion, resignation or retirement.

This is issued with the concurrence of Austerity Measures Committee and Finance, Revenue and Expenditure Department.

BY ORDER AND IN THE NAME OF THE GOVERNOR.

Sd/-

**SPECIAL SECRETARY TO THE GOVERNMENT OF SIKKIM  
DEPARTMENT OF PERSONNEL, ADMINISTRATIVE REFORMS,**



**TRAINING AND PUBLIC GRIEVANCES**

**SIKKIM**  
**GOVERNMENT**  **GAZETTE**

**EXTRAORDINARY  
PUBLISHED BY AUTHORITY**

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**Gangtok  
No.56**

**12<sup>th</sup> February ,2013**

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**NOTIFICATION NO. 80 /GEN/DOP  
DATED: 22/01/2013**

**NOTIFICATION**

The State Government is hereby pleased to up-grade 36 (thirty six) posts of Junior Engineer (Civil) presently held by acting Assistant Engineers (Civil) to that of Assistant Engineer (Civil) in the Pay Band – 2 of ` 9300 – 34800 plus Grade Pay of ` 5000 in the Roads and Bridges Department with effect from the date the upgraded posts are filled-up through promotion on the recommendation of Sikkim Public Service Commission.

**BY ORDER AND IN THE NAME OF THE GOVERNOR.**

Sd/-

**SPECIAL SECRETARY TO THE GOVERNMENT OF SIKKIM  
DEPARTMENT OF PERSONNEL, ADMINISTRATIVE REFORMS,  
TRAINING AND PUBLIC GRIEVANCES**

**SIKKIM**  
**GOVERNMENT**  **GAZETTE**

**EXTRAORDINARY  
PUBLISHED BY AUTHORITY**

**Gangtok  
No.57**

**12<sup>th</sup> February ,2013**

**NOTIFICATION NO. 81 /GEN/DOP  
DATED: 25/01/2013**

**NOTIFICATION**

The Governor of Sikkim is hereby pleased to sanction creation of following 08 (eight) posts in the High Court of Sikkim to streamline its strength in Group 'A' and 'B' posts in its present administrative set up with immediate effect, namely:-

<b>Sl. No.</b>	<b>Name of Post</b>	<b>No. of Post</b>	<b>Pay Band</b>	<b>Grade Pay</b>
<b>1.</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>

1.	Joint Registrar	1	PB-3 of ` 15600 - 39100	` 7200
2.	Chief Accounts Officer	1	PB-3 of ` 15600 - 39100	` 7200
3.	Principal Private Secretary	1	PB-3 of ` 15600 - 39100	` 7200
4.	Reader	2	PB-2 of ` 9300 - 34800	` 5000
5.	Assistant Registrar	2	PB-2 of ` 9300 - 34800	` 5000
6.	Accounts Officer	1	PB-2 of ` 9300 - 34800	` 5000
	<b>T O T A L :</b>	<b>08</b> <b>(eight)</b>		

The expenditure shall be debited from the provision to be provided during the 1<sup>st</sup> Supplementary Demands for Grants – 2012-13.

This is issued with the concurrence of Finance, Revenue and Expenditure Department and Austerity Measures Committee.

BY ORDER AND IN THE NAME OF THE GOVERNOR.

Sd/-

**SPECIAL SECRETARY TO THE GOVERNMENT OF SIKKIM  
DEPARTMENT OF PERSONNEL, ADMINISTRATIVE REFORMS,  
TRAINING AND PUBLIC GRIEVANCES.**

**SIKKIM**  
**GOVERNMENT**  **GAZETTE**

**EXTRAORDINARY  
PUBLISHED BY AUTHORITY**

**Gangtok**  
No.58

18<sup>th</sup> February, 2013

Government of Sikkim  
Land Revenue and Disaster Management Department, Gangtok  
(New Secretariat, Development Area, Gangtok, Sikkim-737101/Phone: 03592-202664/Fax:  
03592-201145/202932/Website: [Http: / ssdma.org](http://ssdma.org) Emailid: [ccs-lr-sik @nic.in/Sikkimsdma@gmail.com](mailto:ccs-lr-sik@nic.in).)

NOTIFICATION NO: 114/1694/GOS/LR & DMD/ACQ  
12/02/2013.

DATED:

**NOTICE UNDER SECTION 4(1)  
OF LAND ACQUISITION ACT, 1894 (ACT 1 OF 1894)**

Whereas it appears to the Governor that land is likely to be needed for a public purpose, not being a purpose of the Union, namely for the Construction of Veterinary Centre at Kitchu Dumra by AH, LF & VS, Government of Sikkim in the block of Kamrang, South Sikkim, it is hereby notified that the piece of land comprising cadastral plot Nos. **351/P & 357/P**, measuring an area more or less **0.3140** hectares bounded on the **East:** DF of Thapa Lall Rai & Harka Raj Limboo, **West:** DF of Dhan Bdr. Rai, **North:** DF of Dhan Bdr. Rai, **South:** DF of Dhan Bdr. Rai & Harka Raj Limboo is likely to be needed for the aforesaid public purpose at the public expenses within the aforesaid block of Kamrang, South Sikkim.

This notification is made, under the provision of Section 4(1) of L .A. Act, 1894 (Act I of 1894) to all whom it may concern.

A plan of land may be inspected in the Office of the District Collector, South Namchi.

In exercise of the powers conferred by the aforesaid Section, the Governor is further pleased to authorize the Officers for the time being engaged in the undertaking, with their servants and workmen, to enter upon and survey the land and do all other acts required or permitted by that section.

**SD/- (S.B.S BHADAURIA )**  
**SECRETARY,**  
**LAND REVENUE & DM.DEPARTMENT,**

**GOVERNMENT OF SIKKIM, GANGTOK**  
**FILE No: 1694/GOS/LR & DMD/ACQ.**

**SIKKIM**  
**GOVERNMENT**  **GAZETTE**

**EXTRAORDINARY  
PUBLISHED BY AUTHORITY**

**Gangtok**

**18<sup>th</sup> February, 2013**

**No.59**

Government of Sikkim  
Land Revenue and Disaster Management Department, Gangtok  
(New Secretariat, Development Area, Gangtok, Sikkim-737101/Phone: 03592-202664/Fax:  
03592-201145/202932/Website: [Http: / ssdma.org](http://ssdma.org) Emailid: [ccs-lr-sik @nic.in/Sikkimsdma](mailto:ccs-lr-sik@nic.in)  
[@gmail.com](mailto:ccs-lr-sik@gmail.com).

NOTIFICATION NO. 115/1716/LR & DMD/ACQ/GOS      DATED: 12/2/2013.

**NOTICE UNDER SECTION 4(1) OF  
LAND ACQUISITION ACT, 1894 (ACT I OF 1894)**

Whereas it appears to the Governor that land is likely to be needed for a public purpose, not being a purpose of the Union, namely for Drawing of 66/11 KV Sub-Station from Gyalshing to Tashiding-Reedang Control Room under RGGVY Scheme to be acquired by Energy & Power Department, Government of Sikkim, it is notified that a piece of land comprising cadastral plot no. **380/1215/A**, measuring more or less **0.0720** hectares bounded on the **East:** by S.P.W.D Road, **West:** by Sikkim Sarkar, **North:** by Seller's own, dry field, **South:** seller's own, DF is likely to be needed for the aforesaid public purpose at the public expense within the aforesaid block.

This notification is made, under the provision of Section 4(1) of L. A. Act, 1894 (Act I of 1894) to all whom it may concern.

A plan of land may be inspected in the Office of the District Collector, West, and Gyalshing.

In exercise of the powers conferred by the aforesaid Section, the Governor is further pleased to authorize the Officers for the time being engaged in the undertaking, with their servants and workmen, to enter

upon and survey the land and do all other acts required or permitted by that section.

And whereas there is urgency to acquire the land the Governor is further pleased to direct U/S 17(4) of L A. Act, I , 1894 that the provision of section 5-A of the Act shall not apply.

**SD/- (S.B.S.BHADAURIA)**  
**SECRETARY,**  
**LAND REVENUE & DM DEPARTMENT,**  
**GOVERNMENT OF SIKKIM, GANGTOK.**  
**FILE NO.1716/GOS/LR & DMD/ACQ.**

**SIKKIM**  
**GOVERNMENT**  **GAZETTE**

**EXTRAORDINARY  
PUBLISHED BY AUTHORITY**

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**Gangtok  
No.60**

**18<sup>th</sup> February, 2013**

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**Government of Sikkim  
Land Revenue and Disaster Management Department, Gangtok**  
(New Secretariat, Development Area, Gangtok, Sikkim-737101/Phone: 03592-202664/Fax:  
03592-201145/202932/Website: [Http: / ssdma.org](http://ssdma.org) Emailid: [ccs-lr-sik @nic.in/Sikkimsdma@gmail.com](mailto:ccs-lr-sik@nic.in).)

NOTIFICATION NO.116/1720/LR & DMD/GOS/ACQ  
DATED:13/02/2013.

**NOTICE UNDER SECTION OF 4(1) OF  
LAND ACQUISITION ACT, 1894 (ACT I OF 1894)**

Whereas it appears to the Governor that an additional land is likely to be needed for a public purpose not being a purpose of the Union, namely for the construction of Adit II 96 MW Dikchu Hydro Electric Power Project by Energy & Power Department, Government of Sikkim under Ramthang block, North Sikkim, it is hereby notified that a cadastral Plot No.1054 and measuring area more or less 0.1780 hectare is likely to be needed for the aforesaid public purpose at the public expense within the aforesaid block of Ramthang.

This Notification is made under the provision of Section 4(1) of L.A.Act, 1894 (Act I of 1894) to all whom it may concern.

A plan of land may be inspected in the Office of the District Collector North, Mangan.

In exercise of the powers conferred by the aforesaid section, the Governor is pleased to authorize the Officers for the time being engaged in the undertaking, with their servants and workmen to enter upon and survey the land and do all other acts required or permitted by that section.



And whereas, there is urgency to acquire land the Governor is further pleased to direct under section 17(4) of L. A. Act, of 1894 (Act I of 1894) that the provision of section 5-A of the Act shall not apply.

**SD/-(S.B.S.BHADAURIA)**  
**SECRETARY**  
**LAND REVENUE AND D.M. DEPARTMENT,**  
**GOVERNMENT OF SIKKIM, GANGTOK.**  
FILE NO. 1720/LR&DMD/GOS(ACQ).

**SIKKIM**

**GOVERNMENT**  **GAZETTE**

**EXTRAORDINARY  
PUBLISHED BY AUTHORITY**

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**Gangtok**

**18<sup>th</sup> February, 2013**

**No.61**

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Government of Sikkim  
Land Revenue and Disaster Management Department, Gangtok  
(New Secretariat, Development Area, Gangtok, Sikkim-737101/Phone: 03592-202664/Fax:  
03592-201145/202932/Website: [Http: / ssdma.org](http://ssdma.org) Emailid: [ccs-lr-sik @nic.in/Sikkimsdma@gmail.com](mailto:ccs-lr-sik@nic.in).)

**NOTIFICATION NO: 117/1698/GOS/LR & DMD/ACQ  
16/2/2013.**

**DATED:**

**NOTICE UNDER SECTION 4(1) OF  
LAND ACQUISITION ACT, 1894 (ACT I OF 1894)**

Whereas it appears to the Governor that land is likely to be needed for a public purpose, not being a purpose of the Union, namely for the extension of piggery Farm by AH,LF & VS Department, Govt. of Sikkim in the block of Mellidara South Sikkim, it is hereby notified that the piece of land cadastral plot no. 325/P measuring area more or less .3000 hectares bounded on the **East:** AH,LF & VS Deptt. **West:** DF of Man Bdr. Tamang, **North:** DF of Reena Tamang, and **South:** DF of Kahar Singh Tamang & Lok Bdr. Pradhan is likely to be needed for the aforesaid public purpose at the public expenses within the aforesaid block of Mellidara block, South Sikkim.

This notification is made, under the provision of Section 4(1) of L .A. Act, 1894 (Act I of 1894) to all whom it may concern.

A plan of land may be inspected in the Office of the District Collector, South, and Namchi.

In Exercise of the powers conferred by the aforesaid Section, the Governor is further pleased to authorize the Officers for the time being engaged in the undertaking, with their servants and workmen, to enter upon and survey the land and do all other acts required or permitted by that section.

And whereas, there is urgency to acquire the land, the Governor is further please to directed under section 17(4) of L.A Act 1894 (Act I of 1894) that the provision of section 5(A) of the act shall not apply.

**SD/- (S.D.W.CHANKAPA)**  
**SPECIAL SECRETARY,**  
**LAND REVENUE & DM DEPARTMENT.**  
**GOVERNMENT OF SIKKIM, GANGTOK.**  
**FILE NO.1698/LR&DMD/GOS (ACQ)**

**SIKKIM**  
**GOVERNMENT**  **GAZETTE**

**EXTRAORDINARY  
PUBLISHED BY AUTHORITY**

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**GANGTOK**                      **18<sup>th</sup> February, 2013**                      **No.62**

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**GOVERNMENT OF SIKKIM  
HOME DEPARTMENT  
GANGTOK**

**No. /Home/2013/08**

**Date: 08 .02.2013**

The State Government is hereby pleased to make the following amendment in the Notification No. 63/Home/2012 dated 30.08.2012, published in the Extraordinary Gazette No. 431 of 2012, namely :-

In the said Notification, for the words “Senior Analyst”, the words and symbol “Senior Analyst/ Analyst “ shall be substituted.

**BY ORDER AND IN THE NAME OF THE GOVERNOR.**

**(KARMA GYATSO) IAS  
CHIEF SECRETARY  
GOVERNMENT OF SIKKIM  
FILE NO: 0414/POL/CID/PHOTO/10(PART)**

**SIKKIM**  
**GOVERNMENT**  **GAZETTE**

**EXTRAORDINARY  
PUBLISHED BY AUTHORITY**

**Gangtok**

**18<sup>th</sup> February, 2013**

**No.63**

Government of Sikkim  
Land Revenue and Disaster Management Department, Gangtok  
(New Secretariat, Development Area, Gangtok, Sikkim-737101/Phone: 03592-202664/Fax:  
03592-201145/202932/Website: Http: / ssdma.org Emailid: ccs-lr-sik @nic.in/Sikkimsdma  
@gmail.com.

Notification No:118/1605/LR&DMD/GOS/ACQ  
Dated:18/02/2013.

**DECLARATION UNDER SECTION 6 OF  
LAND ACQUISITION ACT, 1894 (ACT I OF 1894)**

Whereas the function of the Central Government under the Land Acquisition Act, 1894 (Act I of 1894) in relation to the Acquisition of land for the purpose of the Union have been entrusted to the State Government by Notification No.12018/12/76/LRD of 10.01.1978 issued by the Government of India in the Ministry of Agriculture & Irrigation under clause 1 of Article 258 of the constitution of India.

And whereas the Governor is satisfied that land is needed for a public purpose, being a purpose of the Union, namely, for Establishment of 52<sup>nd</sup> Battalion HQR SSB in the block of Melli and Melli Aching, West District, it is hereby declared that the pieces of land comprising cadastral Plot Nos. and area mentioned in "Schedule of Properties" below is needed for the aforesaid public purpose at the public expense within the aforesaid block of Melli and Melli Aching, West District.

**"Schedule of Properties"**

**Melli Block**

Plot Nos. 574, 573, 588, 602, 572, 575, 578, 577, 583, 584, 610, 589, 590, 596, 597, 598, 599, 600, 601, 604, 609, 597/763, 404/764, 479, 497/758, 600/759, 601/760, 604/761, 609/762, 604/765, 607/644, 608, 479/755, 604/756, 609/757, 633/802, 580,

581, 605, 606, 607, 479/632, 604/633, 633/726, 607/727, 606/824, 604/761/A, 580/826, 581/827, 633/828, 582 and measuring area more or less 13.4680 hectares.

**Boundary**

**East** : Khola

**West** : SPWD Road

**North** : Land of Puk Man Chettri, Chazor Zamoo Bhutia, Suk Raj Limboo, Wangdi

Bhutia, Bol Man Limboo & Khasland

**South** : Land of Chozar Zangmo Bhutia & Melli Aching Block

**Melli-Aching Block**

Plot Nos. 421, 424, 422, 445, 446, 443, 441, 440 and measuring area more or less 2.2840 hectares.

**Boundary**

**East** : Land of Chozar Zangmo & Topzer Bhutia

**West** : SPWD Road

**North** : Kholsa

**South** : Land of Indra Maya Rai

**Melli-Aching Block**

Plot Nos. 527, 529, 531, 532, 533, 534, 535, 536, 537 and measuring area more or less 4.5380 hectares.

**Boundary**

**East** : Khola

**West** : SPWD Road, Land of Indra Maya, Thendup Lepcha & Khasmal

**North** : Land of Tashi Gomchen & Gopal Rai & SPWD Road

**South** : Khola & Khasmal

This declaration is made under the provision of Section 6 of L. A. Act, 1894 (Act I of 1894) to all whom it may concern.

A plan of the land may be inspected in the office of the District Collector West, Gyalshing.

**SD/-(S.D.WANGDI CHANKAPA)**  
**SPECIAL SECRETARY,**  
**LAND REVENUE AND D.M. DEPARTMENT,**  
**GOVERNMENT OF SIKKIM, GANGTOK.**  
FILE NO. 1605/LR&DMD/ACQ/GOS.