

WP (PIL) No. 14/2019

IN RE ESTABLISHMENT OF OLD AGE HOMES IN ALL DISTRICTS OF SIKKIM

For petitioner : Mr. D.K. Siwakoti, Amicus Curiae.

For respondents : Mr. Hissey Gyaltsen, Asst. Govt. Advocate..

Date: 01/07/2021

CORAM :

HON'BLE MR. JUSTICE JITENDRA KUMAR MAHESHWARI, CJ.
HON'BLE MRS. JUSTICE MEENAKSHI MADAN RAI, J.

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PER J.K. MAHESHWARI, CJ

Report has been filed on 03.04.2021 by the learned Additional Advocate General who emphasized on Annexure R-4 and submits that for the constructions of old age homes at Mangan, North Sikkim, there are difficulties regarding pipelines and L.T Line to which supplementary budget has been sought for. However, the progress as it was earlier in the same is i.e.05%. The Court is not satisfied by the such progress, in particular, when the sanction of the old age homes of the year 2017-18 and now it is in the mid of 2021. At the time of sanction all the difficulties ought to be examined by the State Authorities, therefore, the stand as taken do not satisfy the requirement of progress in the matter of construction of old age homes at Mangan.

It is said that the construction of old age homes at Kyoseong, West Sikkim, the progress 20% has wrongly been shown in fact it is 40% which would reflect the previous report filed by the State Government showing the position as on 20.10.2020. Meaning thereby despite lapse of 8 months, the progress is standstill for want of fund. So it cannot be treated as a progress in the matter but in fact it is a position as exist.

Learned Additional Advocate General has apprised to the Court that he will seek instruction from the Secretary, Finance Department and other Departmental Officials in this regard.

So far as the construction of old age home at Boomtar, Namchi, South Sikkim is concerned, it is said that the construction has been completed and is in progress.

During the course of hearing, it is apprised that they are taking steps for inauguration but due to Covid-19 it could not be done, however, it is suffice to observe that the inauguration may be made by virtual mode but after completion of the construction that too in August, 2020 itself, keeping it pending or idle is not justifiable. So the adequate step for inauguration be made having a meeting with higher officials as expeditiously as possible.

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Record of Proceedings through Video Conferencing

In the first affidavit filed in this case it is stated that for construction of old age homes the higher officials shall take step having coordination with the District Authorities but the said affidavit is of 14.02.2020. In terms of the statement as made before this Court, it is the duty of the officials of the department as well as the of the District Administration to indicate the progress of the construction of the old age homes and its operation which is missing even in the last report filed in April, 2020.

Simultaneously, looking to the scope of this Public Interest Litigation, it is the duty of the State Government to produce the relevant policies of the State Government with the directives of the Central Government for the benefit of the Senior Citizens of their State. The relevant material is not available.

Let the learned Additional Advocate General collect and file the relevant policies apprising the Court regarding the Central Government schemes and policies followed by the State Government and also the policies of the State Government being a welfare State.

At this stage, we further observe that the Assistant Solicitor General be noticed by the Registry for production of the policies of the Central Government for the benefit of the Senior Citizens as regarding the construction of the old age homes by the Center and the State. Therefore, Registry shall reflect the name of the Assistant Solicitor General in the cause-list.

List this case for orders on 09.08.2021.

Judge

Chief Justice