

THE HIGH COURT OF SIKKIM: GANGTOK
(Civil Extra-Ordinary Jurisdiction)

SINGLE BENCH: THE HON'BLE MR. JUSTICE A. MUHAMED MUSTAQUE, CHIEF JUSTICE

WP (C) No. 13 of 2025

- Mr. Kailash Subedi,**
S/o Shri Kharka Bdr. Subedi,
R/o Lower Kyongsa, Gyalshing District,
Sikkim – 737111.
- Mrs. Jyoti Lepcha,**
W/o Shri Ran Prasad Gurung,
R/o Lungchuk,
Namchi District,
Sikkim-737128.
- Ms. Priya Pradhan,**
D/o Dhurba Pradhan,
R/o Naya Bazaar-Jorethang Ward,
Salghari-Zoom, Soreng District.
Sikkim – 737121.
- Mr. Pravakar Pradhan,**
S/o Ram Bdr. Pradhan,
R/o Melli Dara,
District Namchi- 737126.

... Petitioner(s)

versus

- State of Sikkim,**
Represented through the Chief Secretary,
Government of Sikkim,
Tashiling Secretariat,
Gangtok, Sikkim- 737101.
- Department of Personnel,
Administrative Reforms, Training & Public Grievances.**
Government of Sikkim,
Represented through its Secretary,
Tashiling Secretariat,
Gangtok, Sikkim -737101.
- Department of Skill Development & Entrepreneurship,**
Government of Sikkim,
Represented through its Secretary,
Gangtok, Sikkim- 737101.

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- 4. **Department of Food Security and Agriculture Development,**
Through its Secretary,
Government of Sikkim,
Gangtok, Sikkim- 737101.

- 5. **Department of Transport,**
Sikkim Nationalised Transport,
Through Secretary, Jorethang,
South Sikkim – 737121.

- 6. **Department of Animal Husbandry Livestock & Fisheries & Veterinary Services,**
Melli Dara,
Through its Secretary,
Government of Sikkim –737128.

... Respondent(s)

Appearance:

Mrs. (Dr.) Doma T. Bhutia, Senior Advocate with Ms. Nima Phuti Lepcha, Advocate for the Petitioner.

Mr. Zangpo Sherpa, Additional Advocate General with Ms. Pema Bhutia, Assistant Government Advocate and Mr. Mohan Sharma, Advocate for the Respondent(s).

Date of Hearing : 17.06.2026
Date of Judgment : 17.06.2026
Date on which uploaded : 18.06.2026

J U D G M E N T (ORAL)

(A. Muhamed Mustaque, C.J.)

The Petitioner No. 1 was appointed as Chowkidar on 16.02.2019. The Petitioner No. 2 and 3 were appointed as Office Attendants on 16.02.2019 and 21.12.2018 respectively. The Petitioner No. 4 was appointed as an Office Assistant on 16.02.2019. All the Petitioners were appointed under the One Family One Job (OFOJ) Scheme under various Departments of the State Government.

2. The scheme was floated by the State Government to support economically and socially backward families in the State. The laudable objective of the scheme is to support families by ensuring that each family has at least one earning

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member. As is evident from the scheme, the appointments are temporary and do not confer any right to regular employment.

3. This scheme was floated in the year 2019. Thereafter, the State Government floated a scheme for regularization of its employees in the year 2020, and subsequently the same was modified in the year 2024.

4. The OFOJ Scheme stipulates the circumstances under which such an appointee may be terminated from service. It is appropriate to refer to those circumstances, which are as follows:

"...

2. The appointee shall maintain properly the other family members and in case it is proved at any time that the family members are being neglected or not being maintained properly by the appointees, his/her appointment shall be terminated forthwith.

3. If it is reported and proved that there are other family members in Government service which was considered by the applicant at the time of appointment, his/her service shall be terminated without any notice."

5. However, the Petitioners were discharged in the years 2023 and 2024, on the ground that their services were no longer required. The Department has no case that the posts have been abolished. The Department could not have terminated their services except in accordance with the scheme or under other circumstances where the post in which the Petitioners were engaged were required to be abolished. Neither of these circumstances has been pointed out, nor does anybody have a case that the welfare scheme floated by the State has been superseded.

6. As the scheme is still in vogue and no other reasons have been cited in the impugned orders for discharging the Petitioners from service. In such circumstances, I have to hold that termination of the Petitioners is illegal. No doubt, the posts may be required to be abolished and the Petitioners may not be accommodated against those posts, however, the Petitioners must still have to be considered in some other Departments in accordance with the scheme, provided the Petitioners fulfill the conditions for employment under the scheme.

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7. It is to be noted that the scheme is not intended merely for the benefit of an individual but for the benefit of the family as a whole.

8. In such circumstances, the impugned orders are set aside. The Petitioners shall be reinstated forthwith. However, nothing prevents the authorities from discharging or terminating the service of the Petitioners if the Department is of the view that their services are liable to be terminated based on any of the conditions enumerated in the scheme referred to above.

9. Accordingly, the ***Writ Petition (C) No. 13 of 2025*** stands allowed.

Chief Justice

ak/arc
Approved for Reporting : Yes/~~No~~