

WP (PIL) No. 09/2020

HENNA SUBBA & ORS.

PETITIONER (S)

VERSUS

STATE OF SIKKIM & ANR.

RESPONDENT(S)

For Petitioners : Mr. A. Moulik, Senior Advocate.
Ms. K. D. Bhutia, Advocate.
Mr. Ranjit Prasad, Advocate.

For Respondents : Mr. Vivek Kohli, Advocate General.
Ms. Y. W. Rinchen, Govt. Advocate.
Ms. Pema Bhutia, Asstt. Govt. Advocate.

Date: 19/05/2022

CORAM:

**HON'BLE MR. JUSTICE BISWANATH SOMADDER, CHIEF JUSTICE
HON'BLE MRS. JUSTICE MEENAKSHI MADAN RAI, JUDGE**

...

JUDGMENT: (per the Hon'ble, the Chief Justice)

In the first order passed by this Court on 14th December, 2020, reasons have been provided as to why it was *prima facie* satisfied with the information laid before it by the petitioners required examination. The petitioners claimed to be unemployed and stated that they had post graduate qualifications in different subjects. They also claimed to be public spirited persons and interested in the development of society so that educated unemployed youths are not exploited. By filing the instant writ petition, they assailed the "One Family One Job" policy decision of the State Government, which, according to them, failed to comply with any statutory provision. This matter, thereafter, was heard from time to time and affidavits have been exchanged between the parties.

In the affidavit filed on behalf of the State, which was affirmed on 16th April, 2021, and filed on the very next day, it appears that the deponent, Umesh Sunam, Joint Secretary, Department of Personnel, Administrative Reforms & Training, Government of Sikkim, in his preliminary submissions, has elaborately stated about the concept of "One Family One Job Scheme", which initially

emerged after the former Chief Minister completed his tour of 31 constituencies. During the said tour, it was observed that the main grievance of the people of Sikkim was lack of employment in Government service. There were thousands of applicants seeking employment and their applications, which were received during the said tour, were forwarded to almost all the major departments for consideration. The respondent no.2, i.e., Department of Personnel, Administrative Reforms & Training, received several hundreds of applications seeking employment, but was not in a position to consider the same, leading to insurmountable public pressure on the then ruling party and the Government of that day. The office of the former Chief Minister had decided to conduct a walk-in-interview amongst such applicants and considered the selected ones for appointment on temporary posts as per the available vacancies. It was further decided that only applications of those applicants who did not have any family members in Government service would be considered. In this manner, the former Chief Minister conceptualized the "One Family One Job Scheme". The deponent, Umesh Sunam, thereafter elaborately explained the methodology applied for the purpose of initiation and execution of the "One Family One Job Scheme".

A bare perusal of the explanation provided by the deponent, Umesh Sunam, in the affidavit reveals that while the relevant Rules, namely, the Sikkim Government Service Rules, 1974, may not have been strictly adhered to by observing all technical requirements as mandated by the said Rules, there has been substantial compliance. More than 13,000 citizens residing in the State of Sikkim have got employment in the process. As such, the *bona fides* of the exercise undertaken under the Scheme cannot be held to be suspect since its object and purpose was to provide one family one job.

If we are to forensically analyse the entire recruitment process at this belated stage, that too, based on technicalities, in that event, each and every person who has secured State employment following initiation and execution of

the "One Family One Job Scheme", would be required to be made parties in the present writ proceeding. That apart and in any event, the beneficial nature of the Scheme cannot be doubted and examined at this stage purely on the basis of technicalities as provided under the relevant Rules. However, the State of Sikkim is directed to ensure that in all future recruitment process, it adheres to the relevant statutory laws and Rules scrupulously and meticulously so that eyebrows are not raised unnecessarily or accusatory fingers pointed towards the State, while welfare and beneficial Schemes – such as the one before us – are sought to be implemented by the State or its agencies.

While we propose to dispose of the instant Public Interest Litigation with the above observations/directions, we make it clear that nothing contained herein shall be construed – in any manner – as an embargo and/or fetter upon the concerned authority of the State from proceeding against any individual or individuals who may have secured employment under the "One Family One Job Scheme" through fraudulent means.

The writ petition stands disposed of accordingly.

(Meenakshi Madan Rai)
Judge

(Biswanath Somadder)
Chief Justice

jk/ds/ami