

IN THE HIGH COURT OF SIKKIM
CIVIL EXTRAORDINARY JURISDICTION

W.P. (C) No. 70 of 2025

Tulsi Sharma Dhakal,
S/o of Mr. Lekh Nath Sharma,
R/o Village Karmithang,
P.O. Upper Pendam,
PIN: 737132,
District Pakyong, Sikkim.

.....Petitioner

-VERSUS-

1. State of Sikkim,
Through the Chief Secretary,
Tashiling Secretariat,
Gangtok-737101.
2. The Secretary,
Department of Health and Family Welfare,
Government of India,
Room No.: 156-A, Nirman Bhavan,
New Delhi – 110011.
3. The Mission Director,
National Health Mission,
Room No.: 343-A, Nirman Bhavan,
New Delhi – 110011.
4. The Secretary,
Health and Family Welfare Department,
Government of Sikkim,
Tashiling Secretariat,
Gangtok – 737101.
5. The Mission Director,
State Health Society (National Health Mission),
Health and Family Welfare Department,
Government of Sikkim,
Tashiling Secretariat,
Gangtok – 737101.
6. Dr. Tempo Gyalsen Bhutia,
Former Chief Medical Officer,
(At present, Director, Health Services,
PME/SIECB),
District Hospital, Singtam,
Singtam – 737134, Sikkim.
7. Dr. Solomit Lepcha,
District Reproducing and Child Health Officer,
National Health Mission,
District Hospital, Singtam,
Singtam – 737134, Sikkim.

8. Shri Shisir Kumar Tamang,
Senior Accounts Officer,
District Hospital, Singtam,
Singtam – 737134, Sikkim.
9. Shri Dharnidhar Mishra,
District Program Manager,
National Health Mission,
District Hospital, Singtam,
Singtam – 737134, Sikkim.
10. Shri Youden Thomas Lepcha,
District Data Assistant,
National Health Mission,
District Hospital, Singtam,
Singtam – 737134, Sikkim.

..... Respondents

For Petitioner : Mr. Nawin Kiran Pradhan and Ms. Rajshree Chettri, Advocates with Mr. Tulsi Sharma Dhakal, Petitioner in person.

For Respondent Nos. 1, 4 & 5 : Mr. Zangpo Sherpa, Additional Advocate General with Mr. S.K. Chettri, Government Advocate, Mr. Sujan Sunwar, Assistant Government Advocate and Ms. Neera Thapa, Law Officer, Health and Family Welfare Department, Government of Sikkim.

For Respondent Nos. 2 & 3 : Ms. Sangita Pradhan, Deputy Solicitor General of India with Ms. Sittal Balmiki and Mr. Amit Kumar Sharma, Advocates.

For Respondent Nos. 6 to 10 : In person.

Date of Judgment reserved : 12/02/2026
Date of Judgment pronounced : 13/02/2026
Date of Judgment uploaded : 13/02/2026

CORAM:

HON'BLE MR. JUSTICE A. MUHAMED MUSTAQUE, CHIEF JUSTICE

...

J U D G E M E N T

This Writ Petition has been filed by an employee who claims to have been subjected to mental distress and humiliation in his workplace. The cause of action arises from his transfer from the post of District Accounts Manager to that of Finance and Logistics Officer (FLO) in the office of the National Health Mission. According to the Petitioner, this transfer was not a routine administrative decision but a consequence of

complaints he had raised against certain officials regarding alleged mismanagement of funds. It also appears from the record that certain complaints have, in turn, been made against the Petitioner. Feeling personally aggrieved and asserting that the circumstances deprived him of his right to work with dignity and self-respect, the Petitioner has approached this Court by way of the present Writ Petition.

2. Perused the pleadings and today I had the advantage of hearing learned counsel for the parties, the Petitioner and the Respondents, who also appeared in person.

3. Upon hearing the parties, this Court was of the considered view that an interaction between them, coupled with an opportunity to understand each other's concerns, would likely resolve the issues highlighted in the present case. The dispute, on the face of the record, does not border on any violation of fundamental rights or statutory employment rights conferred upon the Petitioner. Rather, it appears to stem from misunderstandings arising in the workplace, where professional pressures often erode cordial relationships founded on mutual respect and dignity. Pursuant to interaction in chamber, the parties have amicably resolved their differences and have agreed to move forward in their professional engagement with mutual respect and dignity.

4. It is often observed that, although a workplace is metaphorically described as a place of worship, it is not always equipped to address personal grievances that do not directly relate to the discharge of official responsibilities, but instead arise from a lack of effective communication among individuals. Such gaps in communication frequently give rise to animosity and hostility, culminating in allegations and counter-allegations that ultimately strain professional relationships. In the present case, the Petitioner appears to have perceived his transfer as an act of humiliation, believing that it had wounded his personal dignity and self-respect. Had there been an effective channel of communication through which the matter could have been placed in proper perspective before the authorities responsible for governance, the present proceedings might well have been avoided.

5. Be that as it may, I find Petitioner has given an opportunity to everyone involved in this case by bringing them to the forum of this Court to understand each other. Each one involved in the organization has his/her own responsibility and they should not look to others to blame for anything they feel is adverse against them and their interests. They had to re-introspect themselves and find a solution rather than blaming others. This would give momentum to such employees in building relationships based on his/her responsibilities.

6. The officials appeared before us were the Respondents herein submitted before this Court that they have no intention to proceed against the Petitioner based on the complaints they have received. That means all issues have been concluded and the Petitioner has no other grievance being posted to him as a FLO (*supra*) and both parties agreed that they will work together based on their responsibility to achieve the best interest for the organization.

7. Recording the submission that Respondents are not intending to proceed against the Petitioner against any action based on the complaints, I close this Writ Petition appreciating both Petitioner and Respondents who appeared before me in person, bringing the issue to an amicable conclusion.

8. The Writ Petition, being WP(C) No.70 of 2025, (*Tulsi Sharma Dhakal Vs. State of Sikkim and Ors.*) stands disposed of.

Chief Justice

pm/ami