

GAHC040002252023



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)
(ITANAGAR BENCH)

Case No. : WP(C) 99/2023

1:Dongo Tara
BDO
S/o Late Dongo Tajum,
Permanent Resident of Guchi Village, P.O. Tali, District Kra Daadi, Arunachal Pradesh, working as BDO, Nampong, PO Nampong, District Changlang, Arunachal Pradesh.
Now residing at Vivek Vihar, Itanagar, PO R.K. Mission Hospital, District Papum Pare, Arunachal Pradesh.

VERSUS

1:THE STATE OF AP and 4 Ors.
(Represent through the Chief Secretary), Govt. of Arunachal Pradesh, Civil Secretariat, Itanagar, P.O Itanagar.

2:The Secretary (RD)
Govt. of Arunachal Pradesh
A.P Civil Secretariat
Itanagar
P.O Itanagar.

3:The Director
Rural Development Department
Itanagar
P.O Itanagar
District Papum Pare
Arunachal Pradesh.

4:Taro Blange
BDO
C/o Director

Rural Development Department
Govt. of Arunachal Pradesh
Itanagar
P.O Itanagar.

5:Radak Dada
BDO
Doimukh CD Block
P.O Doimuk

Advocate for the Petitioner : Tayum Son

Advocate for the Respondent : GA (AP)

BEFORE
HONBLE MR. JUSTICE NANI TAGIA

ORDER

Date : 21.02.2023

Heard Mr. T. Son, learned counsel for the petitioner. Also heard Ms. P. Pangu, learned Government Advocate representing respondent No. 1 and Mr. B. Picha, learned standing counsel for the Rural Development Department representing respondent No. 2 & 3.

This writ petition has been filed challenging the order of transfer dated 08.12.2022, issued by the Secretary (RD), Govt. of Arunachal Pradesh vide order No. DRD/8/2021-DRD-RD/400 whereby, the petitioner, working as a Block Development Officer (BDO) at Nampong has been transferred to Jengging and in his place the respondent No. 4, the BDO of Jengging has been brought in.

The primary ground of challenge made by the writ petitioner to the impugned transfer order dated 08.12.2022 is that the petitioner has completed only one year and 3 months at Nampong and accordingly, the impugned transfer order dated 08.12.2022 has been issued in violation of the transfer and posting guidelines issued by the Govt. of Arunachal Pradesh.

Mr. Son, learned counsel for the petitioner, however, has also submitted that the petitioner would be contented if the petitioner is allowed to stay at Nampong till 31st March, 2023, to which, Mr. Picha, learned standing counsel for the RD Department, on instruction received from the Department, has no objection to it.

In view of the above, I am of the view that this writ petition can be disposed of at the motion stage itself by directing the respondent authorities to allow the writ petitioner to discharge his duties as BDO at Nampong till 31st March, 2023.

Accordingly, it is hereby directed that the impugned transfer order dated 08.12.2022, issued by the Secretary (RD), Govt. of Arunachal Pradesh vide order No. DRD/8/2021-DRD-RD/400 shall not be given effect to till 31st March, 2023. In other words, after 31st March, 2023, the impugned transfer order dated 08.12.2022 may be given effect to by the respondent authorities.

Since, this writ petition has been disposed of on a concession made by the learned standing counsel for the RD Department and without hearing the respondents No. 4 & 5, the respondents No. 4 & 5 may file an application for modification/alteration or vacation of this order, if so advised.

The writ petition is allowed to the extent indicated above, and, accordingly, disposed of.

JUDGE

Comparing Assistant