

GAHC040004202023



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

Case No. : WP(C) 165/2023

1:Dongo Tara
BDO,
S/o Late Dongo Tajum,
Permanent Resident of Guchi Village, PO Tali, District Kra Daadi, 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 3 Ors.
Through the Secretary (RD), Govt. of Arunachal Pradesh, Civil Secretariat, Itanagar, PO Itanagar.

2:The Director Rural Development Itanagar
District Papum Pare
Arunachal Pradesh.

3:Taro Blange BDO C/o Director Rural Development
Govt. of Arunachal Pradesh Itanagar PO Itanagar.

4:Radak Dada BDO Doimukh CD Block PO Doimukh

Advocate for the Petitioner : Tayum Son
T Torum
L Rupan

Advocate for the Respondent : Binter Picha SC(RD)

**BEFORE
HONBLE MR. JUSTICE NANI TAGIA**

ORDER

Date : 28.03.2023

Heard Mr. Tayum Son, learned counsel for the petitioner. Also heard Mr. Binter Picha, learned standing counsel, Department of Rural Development, Government of Arunachal Pradesh, appearing on behalf of State Respondents No. 1 & 2.

The writ petitioner who is a Block Development Officer(BDO) and working at Nampong CD Block in Changlang District, was transferred to Jengging CD Block, Upper Siang District, vide order of transfer, dated 08.12.2022, issued by the Secretary, Department of Rural Development, Government of Arunachal Pradesh, Itanagar, under Memo. No. DRD/8/2021-DRD-RD/400.

The aforesaid order of transfer, dated 08.12.2022, was put to challenge by the petitioner in a writ petition being WP(c)99(AP)2023, which was disposed of by this Court, vide order, dated 21.02.2023, wherein, it was provided that the impugned order of transfer, dated 08.12.2022, shall not be given effect to by the respondent authorities till 31.03.2023.

The aforesaid order, dated 21.02.2023, was passed by the Court in WP(c)99(AP)2023, on a concession made by the learned counsel for the petitioner that the writ petitioner would be contented if the petitioner is allowed to stay at Nampong CD Block till 31.03.2023.

The grievance of the petitioner, now, appears to be that he may, now, be posted somewhere at a place nearby his hometown for which the petitioner has submitted a representation to the Minister, Department of Rural Development, Government of

Arunachal Pradesh, Itanagar, as well as the Secretary, Department of Rural Development, Government of Arunachal Pradesh, Itanagar, dated 22.03.2023.

Mr. Picha, learned standing counsel, Department of Rural Development, Government of Arunachal Pradesh, on the other hand, submits that the petitioner cannot choose for himself, the place of posting, which is entirely in the domain of the employer. Accordingly, he submits that the relief sought for by the petitioner in this writ petition, cannot be granted by the Court in exercise of Article 226 of the Constitution of India.

Having heard the learned counsels appearing for the parties and on perusal of the materials placed on record; I am of the considered view that the writ petitioner cannot be allowed to remain as a Block Development Officer(BDO) at Nampong CD Block, Changlang District, as he had been serving at Nampong CD Block in the District of Changlang, for the past 1(one) year and also in view of the concession made by the learned counsel for the petitioner in WP(c)99(AP)2023, as noted-above.

Having held as above; this writ petition is hereby disposed of at the motion stage itself by directing the respondent No. 1 i.e. Secretary, Department of Rural Development, Government of Arunachal Pradesh, Itanagar, to consider the representation, dated 22.03.2023, submitted by the petitioner for posting at a place nearby his hometown if the same is permissible under the relevant rules and guidelines, framed by the State Government, for transfer and posting of a government employee in the State of Arunachal Pradesh.

JUDGE

Comparing Assistant