

GAHC040004832023



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

Case No. : WP(C) 184/2023

1:Jarken Gadi
S/o Shri Kekjar Gadi,
Permanent Resident of Deke Village, District Lepa Rada, Arunachal Pradesh,
presently working as Junior Engineer (E) at Likabali Electrical Sub Division,
Likabali, Lower Siang District, Arunachal Pradesh.

VERSUS

1:THE STATE OF AP and 4 Ors.
Represented by the Secretary, Department of Power, Civil Secretariat, Itanagar,
Arunachal Pradesh.

2:The Chief Engineer
Central Electrical Zone
Department of Power
Vidyut Bhawan
Itanagar
Arunachal Pradesh.

3:The Superintending Engineer (E)
A.P Electrical Circle No. I cum Coordination
Department of Power
Naharlagun
Arunachal Pradesh.

4:The Executive Engineer (E)
Likabali Electrical Division
Department of Power
Likabali
Lower Siang District
Arunachal Pradesh.

5:Gamnya Bam
Junior Engineer (E)
Likabali Electrical Division
Lower Siang District
Arunachal Pradesh

Advocate for the Petitioner : Adam Tatak

Advocate for the Respondent : Lissing Perme

**BEFORE
HONBLE MR. JUSTICE KARDAK ETE**

ORDER

Date : 06-04-2023

Heard Mr. A. Tatak, learned counsel for the petitioner and Mr. L. Perme, learned Standing Counsel for the Power Department, Government of Arunachal Pradesh (respondents No.1 to 4).

2. This writ petition is being disposed of at motion stage in view of the nature of issue that such writ petition may not be kept pending unnecessarily. And this Court finds that no prejudice will cause to the parties including the respondent No.5 even if the petition is disposed of at motion stage.

3. By this application, the petitioner challenges the communication letter No.LKED/E-I/Transfer Posting/2022-23/3904-08 dated 23.03.20203 addressing to the Superintending Engineer (Co-Ordination) Arunachal Pradesh Electrical Circle No-1

Department of Power, Naharlagun, whereby, it is conveyed that the petitioner shall be released from Likabali Electrical Division, Lower Siang District, Arunachal Pradesh only after the liabilities are settled.

4. The learned counsel for the petitioner submits that the petitioner has been transferred from the Likabali Electrical Sub-Division, Lower Siang District, Arunachal Pradesh to the Basar Electrical Division, Department of Power vide order dated 06.03.2023 and the another JE (E) (i.e. respondent No.5) has already assumed charge on 14.03.2023 on 'As is where is basis'.

5. In the meantime, instead of releasing the petitioner, the respondent No.4 issued the impugned communication vide No.LKED/E-I/Transfer Posting/2022-23/3904-08, dated 23.03.2023 stating that he will be released only after liabilities are settled.

6. Thereafter, when the said communication was brought to the knowledge of the petitioner, he submits an application on 24.03.2023 for reconsideration of an impugned communication dated 23.03.2023 and for releasing him from Likabali Electrical Sub-Division, Likabali to Basar Election Division.

7. The petitioner has also submitted a letter vide dated 23.03.2023 addressed to the Executive Engineer (E), Likabali Electrical Division expressing his regret that there are liabilities towards management of materials of store and site which are not

known to him and requesting for providing him the listed liabilities. In order to clear up all the liabilities, it is required to provide him the listed liabilities. But then, nothing has been considered by the respondent No.4. Consequently, undue hardship has been caused to the petitioner as he is unable to function either at Likabali Electrical Sub-Division or at Basar Electrical Division.

8. Therefore, learned counsel prays that the impugned communication No.LKED/E-I/Transfer Posting/2022-23/3904-08 dated 23.03.20203 may be set aside and a direction may be issued to the respondent No.4 to release the petitioner so as to enable him to join at Basar Electrical Division in terms of transfer order dated 06.03.2023.

9. Mr. L. Perme, learned Standing Counsel for the Power Department, on instruction, submits that the petitioner will be released on handing over of material at site record to the respondent No.5. On such submission learned counsel for the petitioner submits that the petitioner will hand over the material at site register only as required under the office procedure to the respondent No.5 as he has no accessibility to other records since private respondent has already joined on 14.03.2023. So, petitioner will hand over the MAS register prior to 14.03.2023 as required.

10. Considering the submissions made by the learned counsel for the parties, this Court is of the view that there is no reason as to why the petitioner should not be released as the petitioner has

already been transferred from Likabali Electrical Sub-Division to Basar Electrical Division on 06.03.2023 and Smti. Gamnya Bam who has been transferred in place of the petitioner had already joined on 14.03.2023.

11. As recorded herein above, the learned Standing Counsel has submitted that the petitioner will be released on handing of the MAS record and the petitioner has agreed to hand over the MAS register. I deem it appropriate to allow this writ petition and direct the respondent No.4 to release the petitioner on submission of MAS register to the respondent No.5.

Accordingly, writ petition stands disposed of.

JUDGE

Comparing Assistant