



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

Case No. : WP(C)/332/2023

Dr, A. K Sinha
District Veterinary Officer,
S/o Shri Devendra Prasad Sinha,
PO/PS Lemmi, Pakke Kessang, District Pakke Kessang, Arunachal Pradesh.

VERSUS

THE STATE OF AP and 2 Ors.
Represented by Commissioner (AHV), Itanagar Govt. of Arunachal Pradesh.

2:The Director Department of (AHV) Nirjuli, Government of Arunachal Pradesh.
Age: 0
Occupation :

3:Dr. T. S Miji, C/o Office of District C/o AH & Veterinary Officer Longding, District
Longding, Arunachal Pradesh.
Age: 0
Occupation

Advocate for the Petitioner : D Saikia

Advocate for the Respondent : GA (AP)

BEFORE
HONBLE MR. JUSTICE NANI TAGIA

ORDER

Date : 20-07-2023

Heard Mr. D. Saikia, learned counsel for the petitioner. Also heard Mr. L.

Perme, learned Standing counsel for the Animal Husbandry & Veterinary, representing the respondent nos. 1 & 2.

2. This writ petition is directed against the order of transfer dated 29.05.2023, issued by the Commissioner (AHV), Government of Arunachal Pradesh, Itanagar, vide Memo No. AHV/E-900/94/1135-43, whereby, the petitioner who is posted as District Veterinary Officer at Lemmi, Pakke Kessang, has been transferred and posted to Kurung Kumey and in his place, the respondent no. 3, who is Animal Husbandry & Veterinary Officer, working at Longding has been brought in.

3. Challenging the aforesaid order of transfer, dated 29.05.2023, the petitioner contends that the petitioner has completed only 1 (one) year and 7 (seven) months of posting at Lemmi, Pakke Kessang, whereas, the transfer and posting Guidelines dated 19.12.2008, issued by the Chief Secretary, Government of Arunachal Pradesh, vide Memo No. PERS-126/2004/4516, provides for normal tenure of posting of a government employee at one place is 2 (two) years. Accordingly, the petitioner contends that he has been transferred pre-maturely before completion of the 2 (two) years tenure of posting at one place.

4. Apart from the above grounds taken, assailing the impugned order of transfer, dated 29.05.2023, insofar as, the petitioner and the respondent no. 3 is concerned, the petitioner has not cited any other grounds such as malafide exercise of power by the respondent authorities in issuing the impugned transfer order.

5. Since it is a settled position of law that though the transfer and posting guideline may prescribe for normal tenure of posting of a government

employee at a particular place as 2 (two) years, it is the prerogative of the employer to transfer an employee even before the normal tenure of posting is completed for administrative exigency.

6. In that view of the matter, in the absence of any allegation against the respondent authorities of malafide exercise of power in issuing the impugned transfer order, dated 29.05.2023, insofar as, the petitioner and respondent no. 3 is concerned, I am not inclined to interfere with the impugned order of transfer dated 29.05.2023, issued by the Commissioner (AHV), Government of Arunachal Pradesh, Itanagar, vide Memo No. AHV/E-900/94/1135-43.

7. The petitioner, however, appears to have submitted a representation dated 09.06.2023, to the Commissioner, AHV & DD, Govt. of Arunachal Pradesh, Itanagar, vide File No. AKS/PKSG/PF/2023-24, for his retention at Pakke Kessang. The Commissioner, AHV & DD, Govt. of Arunachal Pradesh, Itanagar, who is the respondent no. 1, herein, therefore, shall consider and pass an appropriate order on the representation submitted by the petitioner on 09.06.2023, within a period of 2 (two) weeks from the date of receipt of certified copy of the order.

8. The writ petition stands disposed of, in terms above.

JUDGE

Comparing Assistant