

GAHC040009612023



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

Case No. : WP(C)/333/2023

Tashi Mize
ADCF
S/o Late Tameng Mize,
Presently serving as DFO, Pasighat Forest Division, PO/PS Pasighat, Dist. East
Siang, Arunachal Pradesh.
Phone No. 9233800897

VERSUS

THE STATE OF AP and 2 Ors.
Represented by the PCCF (EF and CC), Govt. of Arunachal Pradesh, Itanagar.

2:the Principal Secretary, Dept of (EF & CC), Govt. of Arunachal Pradesh, Itanagar
Age: 0
Occupation :

3:Hano Moda, ADCF, C/o Office of the DFO, Nampong Forest Division, Jairampur,
P.O/P.S – Jairampur, Dist-Changlang, Arunachal Pradesh.
Age: 0
Occupation

Advocate for the Petitioner : Ojing Pada

Advocate for the Respondent : GA (AP)

**BEFORE
HONBLE MR. JUSTICE NANI TAGIA**

ORDER

Date : 20-07-2023

Heard Mr. O. Pada, learned counsel for the petitioner. Also heard Mr. N. Ratan, learned Additional Advocate General for the State respondent nos. 1 & 2.

2. This writ petition is directed against the order dated 13.07.2023, passed by the Principal Chief Conservator of Forest (Environment Forest & Climate Change), Govt. of Arunachal Pradesh, vide No. FOR.187/EA/EA/2022/(SFS)/20358-90, whereby, the petitioner, who is the District Forest Officer, Pasighat Forest Division, Pasighat, has been transferred to Tezu in the Office of the CCF, EAC, Tezu, and in his place, the respondent no. 3, who is the Attached Officer, Office of the DFO Nampong Forest Division, Jairampur, has been brought in.

3. The case of the petitioner is that he is retiring from service on 31.03.2024, which is only 8 (eight) months from the date of his transfer and therefore, the impugned order of transfer is in violation of the Transfer and Posting Guidelines issued by the Department of Personnel, Govt. of Arunachal Pradesh, vide Circular Memo No. Apptt-19/90, dated Itanagar, the 2nd June, 1998, wherein, in Clause 1(d), it has been provided that "*Officers are not to be transferred one year before retirement as it may affect preparation of their pension papers etc. However, generally officer posted in the field/work divisions should be posted out to office headquarters one year before retirement*".

4. The learned counsel for the petitioner further submits that aggrieved by the impugned transfer order, which has been issued in violation of the Transfer and Posting Guidelines, issued by the Department of Personnel, Govt. of Arunachal Pradesh, the petitioner has submitted a representation, dated 14.07.2023 to the Principal Chief Conservator of Forest (Environment Forest & Climate Change), Govt. of Arunachal Pradesh, for his retention at Pasighat.

5. Upon hearing the learned counsel for the parties, I deem it appropriate to dispose of this writ petition, with a direction to the respondent no. 1, the Principal Chief Conservator of Forest (Environment Forest & Climate Change), Govt. of Arunachal Pradesh, to consider and dispose of the representation, dated 14.07.2023, submitted by the petitioner, in accordance with law, within a period of 2 (two) weeks, from the date of receipt of the certified copy of this order, which shall be submitted by the petitioner within a period of 1 (one) week from today.

6. Till the representation dated 14.07.2023, submitted by the petitioner is disposed of by the respondent no. 1; *status quo*, insofar as the transfer and posting of the petitioner and the respondent no. 3, vide order dated 13.07.2023, passed by the Principal Chief Conservator of Forest (Environment Forest & Climate Change), Govt. of Arunachal Pradesh, under Memo No. FOR.187/EA/EA/2022/ (SFS)/ 20358-90 is concerned, the same shall be maintained.

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

JUDGE

Comparing Assistant