

GAHC040009952023



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

Case No. : WP(C)/344/2023

Tasang Taga
S/o Shri Tahan Taga,
Posted as Divisional Forest Officer (DFO), Dering Wildlife Sanctuary, Pasighat, East
Siang District, Arunachal Pradesh. Ph. No. 9862624766

VERSUS

THE STATE OF AP and 2 Ors.
Represented by the Chief Secretary, Govt. of Arunachal Pradesh, Itanagar. 2:the
Principal Chief Conservator of Forest (E
F and CC)
Age: 0
Occupation :

3:the Conservator of Forests
Age: 0
Occupation

Advocate for the Petitioner : Kamal Saxena

Advocate for the Respondent : GA (AP)

**BEFORE
HONBLE MR. JUSTICE NANI TAGIA**

ORDER

Date : 04.08.2023

Heard Mr. K. Saxena, learned counsel for the petitioner. Also heard Ms. R. Basar, learned Government Advocate for the State representing the respondents No. 1 to 3.

This writ petition is directed against the Order, dated 13.07.2023, issued by the PCCF (E, F & CC) vide No. FOR.187/EA/EA/2022/(SFS)/20358-90, whereby the petitioner, who was working as DFO, D-Ering Wildlife Sanctuary, Pasighat has been transferred as DCF in the Office of the CCF, WAC, Banderdewa and in his place the Proforma respondent Smti. Kempie Ete, ADCF, Attached Officer in the Office of the DFO, Forest Division, Pasighat has been brought in.

The only contention raised by the petitioner in assailing the aforesaid order of transfer dated 13.07.2023 is that the petitioner is retiring from his service on attaining the age of superannuation on 31.12.2023 and in that view of the matter, an Officer, who is on the verge of retirement cannot be transferred.

Pursuant to this Court's Order, dated 27.07.2023, Ms. R. Basar, learned Government Advocate has produced an instruction received from the Conservator of Forests (HQ), vide letter dated 03.08.2023, written to the Senior Government Advocate, Gauhati High Court, Itanagar Permanent Bench, wherein, it has been stated that the petitioner has been transferred to the Office Headquarter of the Chief Conservator of Forests, Western

Arunachal Circle, Banderdewa vide the impugned order of transfer by following the Government guidelines for transfer and posting of officers issued vide Circular No. APTTT/19/90, dated 02.06.1998. As per clause 1 (d) of the guidelines, officers posted in the field/work divisions are to be transferred to office headquarters one year before retirement. As the petitioner is posted as DFO D-Ering Wildlife Sanctuary, which is a field posting having sensitive inter-state boundary with Assam and the petitioner is left with less than a year for retirement, his posting to the office headquarter of the Chief Conservator of Forests, Western Arunachal Circle, Banderdewa will not only relieve him from the sensitive and regular forest patrolling but also facilitate him with adequate time to prepare his pension papers during the most crucial time of his career.

The learned counsel for the petitioner also submits that the petitioner has been serving as DFO, D-Ering Wildlife Sanctuary, Pasighat since 2018.

Considering the fact that the petitioner has been serving as DFO, D-Ering Wildlife Sanctuary, Pasighat since 2018 and the Government guideline of transfer and posting of officers issued vide Circular No. APTTT/19/90, dated 02.06.1998 provides for posting of an employee, who is in the verge of retirement to the Headquarter for facilitating preparation of pension papers in time and the Office of Chief Conservator of Forests, Western Arunachal Circle, Banderdewa being the Headquarter posting, I am not inclined to interfere with the Order of transfer dated 13.07.2023, issued by the PCCF (E, F & CC) vide No. FOR.187/EA/EA/2022/(SFS)/20358-90.

The writ petition stands dismissed being devoid of merit.

The instruction received by the learned Senior Government Advocate

from the Conservator of Forests (HQ), Dated 03.08.2023, produced by Ms. R. Basar, learned Government Advocate shall form part to the record and be marked as 'X' for identification.

JUDGE

Comparing Assistant