

GAHC040010032023



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

Case No. : WP(C)/346/2023

Pangpong Tangha
S/o Lt. N. Tangha,
Presently serving as an Executive Engineer, PWD, Longding Division, Longding
District Longding, Arunachal Pradesh.

VERSUS

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

3:Hage Tajang
Age: 0
Occupation

Advocate for the Petitioner : D K Deori

Advocate for the Respondent : GA (AP)

**BEFORE
HONBLE MR. JUSTICE NANI TAGIA**

ORDER

Date : 27.07.2023

Heard Mr. D. K. Deori, learned counsel for the petitioner. Also heard Mr. S. Tapin, learned Senior Government Advocate representing the respondents No. 1 & 2.

This writ petition is directed against the Transfer and Posting Order, dated 19.07.2023, issued by the Principal Secretary (PWD), Government of Arunachal Pradesh, vide Memo No. PWD-11011(11)/4/2021-Estt-PWD/402, whereby, the petitioner, who is an Executive Engineer, PWD, Longding Division has been transferred to the Office of Chief Engineer (HW) Zone and in his place the respondent No. 3, who is working as Executive Engineer in the Office of the Chief Engineer (HW) Zone has been brought in.

By referring to Rules 58, 59, 60 & 61 of CCS (Pension) Rules, 1972, the only contention of the learned counsel for the petitioner in the instant petition challenging the aforesaid transfer and posting order, dated 19.07.2023, is that there are various stages involving preparation of the pension papers of a retiring employee, which takes usually about two years. Under the circumstances, the learned counsel for the petitioner contends that no transfer and posting should be entertained, two years prior to any employee's retirement.

Though a contention has been raised by the learned counsel for the

petitioner regarding the involvement of various stages for preparation of the pension papers of a retiring employee, which, according to the petitioner, takes about two years as provided under the Rules 58, 59, 60 & 61 of CCS (Pension) Rules, 1972 as well as the guidelines issued there under, the learned counsel for the petitioner has not been able to point out that any provision either in the guidelines or under the CCS (Pension) Rules that no transfer and posting should be made of an employee, who is about to retire within a period of two years.

Under the circumstances, I am of the considered view that no interference is called for to the impugned Transfer and Posting Order, dated 19.07.2023, issued by the Principal Secretary (PWD), Government of Arunachal Pradesh, vide Memo No. PWD-11011(11)/4/2021-Estt-PWD/402, even though, the petitioner may be retiring from his service in about a year's time.

Be that as it may, the learned counsel for the petitioner has also pointed out to a representation submitted to the Principal Secretary, PWD, Government of Arunachal Pradesh, on 26.07.2023 praying for cancellation of the transfer and posting order dated 19.07.2023, which was issued on 24.07.2023 in respect of the petitioner.

In that view of the matter, the Principal Secretary, PWD, Government of Arunachal Pradesh, the respondent No. 3 shall consider the representation submitted by the petitioner on 26.07.2023 on its own merit and pass an appropriate order within a period of one week from the date of receipt of certified copy of the order.

The writ petition stands disposed of in terms above.

JUDGE

Comparing Assistant