

GAHC040010132023



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

Case No. : WP(C)/350/2023

Boria Nakum
S/o Lt. Boria Teri, resident of Balijan, PO and PS Balijan, District Papum Pare,
Arunachal Pradesh and working as District Agriculture Officer, Presently posted at
Anini, Dibang Valley District (A.P) Mobile No. 8974262438

VERSUS

The State of AP and 3 Others
Represented by the Secretary to the Department of Agriculture, Government of
Arunachal Pradesh, Itanagar. 2:The Commissioner
Age: 0
Occupation :

3:The Director of Agriculture
Age: 0
Occupation :

4:Andeng Tayeng
Age: 0
Occupation

Advocate for the Petitioner : Uttam Deka

Advocate for the Respondent : Lissing Perme

**BEFORE
HONBLE MR. JUSTICE NANI TAGIA**

ORDER

Date : 31.07.2023

Heard Mr. N. Rama, learned counsel for the petitioner. Also heard Mr. L. Perme, learned standing counsel for the Agriculture Department.

This writ petition is directed against the Transfer and Posting Order, dated 13.07.2023, issued by the Commissioner (Agriculture), Government of Arunachal Pradesh, Itanagar vide Memo No. AGRI/E-11018/3/2022 (Comp. No. 74190), whereby, the petitioner, who is an In-charge DAO, Dibang Valley District, has been transferred as In-charge DAO, Kamle District and in his place the respondent No. 4, Shri. Andeng Tayeng, who is working as In-charge Assistant Soil Chemist has been brought in.

The contention of the petitioner in assailing the aforesaid order of transfer and posting dated 13.07.2023 is that the petitioner having been posted as In-charge DAO, Dibang Valley District, sometime in the month of September, 2021 has not completed the normal tenure of two years in terms of Policy Guidelines on Transfer and Posting, issued by the Government of Arunachal Pradesh and that the petitioner is in the verge of retirement, who is due to retire in the month of June, 2024 and accordingly, the petitioner ought not to have been transferred from Dibang Valley in violation of policy guidelines of the Transfer and Posting, issued by the Government of Arunachal Pradesh in the year 1998.

The petitioner also contends that the petitioner submitted a

representation, dated 22.07.2023 to the Commissioner, Department of Agriculture, Government of Arunachal Pradesh, Itanagar for retention of the petitioner in Dibang Valley District till his retirement.

Upon hearing the learned counsels for the parties and on perusal of the materials placed on record, since the petitioner has been posted in Dibang Valley District for the past one year and about ten months, which is short of only 2(two) months of normal tenure of posting at a particular station, I am not inclined to interfere with the impugned order, dated 13.07.2023, issued by the Commissioner (Agriculture), Government of Arunachal Pradesh, Itanagar vide Memo No. AGRI/E-11018/3/2022 (Comp. No. 74190).

However, since the petitioner states to have submitted a representation dated 22.07.2023 to the Commissioner, Department of Agriculture, Government of Arunachal Pradesh, Itanagar, the Commissioner, Department of Agriculture, Government of Arunachal Pradesh, is directed to consider and disposed of the representation submitted by the petitioner on 22.07.2023, on its own merit within a period of 10(ten) days from the date of receipt of certified copy of this order, which shall be submitted by the petitioner within a period of 3(three) days from today.

Till the representation submitted by the petitioner is disposed of as directed hereinabove, Status quo as on today with regard to the transfer and posting of the petitioner as well as of the respondent No. 4 vide the Order of Transfer and Posting, dated 13.07.2023 shall be maintained.

The writ petition stands disposed of in terms above.

JUDGE

Comparing Assistant