

GAHC040010282023



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

Case No. : IA(C)/134/2023

Tadar Tarang
Presently serving as Executive Engineer in Directorate of Urban local bodies, Itangar,
Papum Pare District, Arunachal Pradesh. 7982144378

VERSUS

Chokia Pordung and 3 Ors.
Executive Engineer, pasighat Municipal Council, Govt. of Arunachal Pradesh. P.O/P.S
Pasighat, District East Siang, Arunachal Pradesh. 2:THE STATE OF AP
Age: 0
Occupation :

3:The Secretary
Age: 0
Occupation :

4:The Director
Age: 0
Occupation

Advocate for the Petitioner : Rintu Saikia

Advocate for the Respondent : GA (AP)

Linked Case : **WA/37/2022**

Chokia Pordung

Age: 40

Occupation :

Address:Executive Engineer

Pasighat Municipal Council

Govt. of Arunachal Pradesh. PO and PS Pasighat

District East Siang

Arunachal Pradesh .Mobile No 9862591665

VERSUS

Tadar Tarang and 3 Ors.

Age: 0

Occupation :

Address:S/o Late Tadar Tajik

Presently serving as Executive Engineer in Directorate of Urban Local Bodies

Itanagar

Papum Pare District

Arunachal Pradesh. Contact No. 879402667

2:THE STATE OF AP

Age: 0

Occupation :

Address:Represented by the Chief Secretary

Govt. of Arunachal Pradesh

Itanagar.

3:The Secretary

Age: 0

Occupation :

Address:Department of Town Planning and Urban Local Bodies

Govt. of Arunachal Pradesh

Itanagar.

4:The Director

Age: 0

Occupation :

Address:Department of Urban Local Bodies

Govt. of Arunachal Pradesh

Itanagar.

Advocate for : Pritam Taffo

Advocate for : GA (AP) appearing for Tadar Tarang and 3 Ors.

BEFORE
HONBLE MR. JUSTICE NELSON SAILO
HONBLE MRS. JUSTICE MARLI VANKUNG

ORDER

Date : 06.092023
(Nelson Sailo, J)

Heard Mr. Rintu Saikia, learned counsel for the applicant/writ petitioner who submits that by filing this application, the applicant seeks modification/alteration/vacation of the interim order dated 15.11.2022 passed by this Court in W.A No. 37/2022. The writ appeal was filed by the private respondent No. 4 seeking vacation of the interim order passed by the learned Single Judge on 19.09.2022 in WP(C) No. 296/2022.

[2.] The learned counsel submits that as per the relevant provisions of Arunachal Pradesh Municipal Act, 2007 it is only the Engineers serving in the Department of Urban Development & Housing who are eligible to be appointed as Engineers in the Municipal Council on deputation, whereas the respondent No. 5 is an Engineer from the Rural Development Department and his substantive post is Assistant Engineer (Functional). Therefore, Mr. Rintu Saikia submits that the interim Order dated 15.11.2022 may be vacated or suitably modified.

[3.] Mr. Pritam Taffo, learned counsel appears for the respondent No. 1 in the I.A while Ms. P Sangeeta, learned State counsel appears for respondent No. 2 & 3. Mr. Tapi Omo, learned counsel appears for respondent No. 4. The learned counsels appearing for the respondents submit that instead of vacating the interim order dated 15.11.2022, the parties may be allowed to raise their respective grievance while projecting their case before the writ Court and that the writ petition itself be disposed of on merits.

[4.] We have considered the submissions made by the learned counsels for the rival parties and perused the materials available on record.

[5.] It is submitted at the bar that pursuant to the passing of the interim Order dated 15.11.2022 while making it returnable by three weeks, the writ appeal was again listed on 01.05.2023 and on that date, the appellate Court directed that the interim Order dated 15.11.2022 should continue until the disposal of the writ appeal.

[6.] Having regard to the above development and considering the issue involved, we are of the considered view that instead of considering the instant application, the rival parties should complete their respective pleadings before the writ Court so that the writ petition can be heard on merit and decided expeditiously. The learned counsels appearing for the rival parties today have also undertaken to file

their respective pleadings within 2 (two) weeks from today. Further, if the State respondents are unable to file their counter affidavit within two weeks, they shall produce the relevant records of the case for consideration by the writ Court.

[7.] At this stage, Mr. Rintu Saikia learned counsel for the applicant/writ petitioner has produced Order dated 29.08.2023 by which the private respondent No. 4/respondent No. 1 in the present I.A is shown to have been released from the establishment of the Deputy Commissioner, East Siang District, Arunachal Pradesh w.e.f., 29.08.2023 (A/N) on transfer and posting to the Director of Urban Local Bodies, Itanagar. He submits that the respondents may be directed to consider posting the writ petitioner in the place of the private respondent No. 4 at Pasighat. Be that as it may, we are not inclined to make an observation at this stage and instead we make an observation that it will be open for the parties to raise their respective pleas before the learned Single Judge as and when the matter is being considered.

[8.] With the above observations, the I.A stands disposed of.

JUDGE

JUDGE

Comparing Assistant