

GAHC040010442023



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

Case No. : WP(C)/359/2023

Cheke Norbu Glow
S/o Shri DORKHAN, posted as Driver, District Agriculture Office, Bomdila, West
Kameng District, Arunachal Pradesh.

VERSUS

THE STATE OF AP and 2 Ors.
Represented by the Secretary, Department of Agriculture, Govt. of Arunachal
Pradesh, Itanagar 791111 2:the Director
Age: 0
Occupation :

3:the District Agriculture Officer (E)
Age: 0
Occupation

Advocate for the Petitioner : Rinchin Ledo Thungon

Advocate for the Respondent : Lissing Perme

BEFORE
HONBLE MR. JUSTICE NELSON SAILO

ORDER

Date : 17-08-2023

Heard Mr. H.K. Jamoh, learned counsel for the petitioner and Mr. L. Perme,
learned Standing Counsel for the Agriculture Department.

[2.] In terms of the order dated 08.08.2023, Mr. L. Perme has produced the instructions received by him. The first instructions is that the post of Driver is transferable and in fact the same has been clearly stipulated in the appointment order issued to the petitioner on 07.08.2022. The learned counsel further submits that the transfer of the petitioner has been done in view of the fact that there is no driver available in the office of the District Agriculture Officer, Lemmi, Pakke Kessang District, Arunachal Pradesh. Therefore, it is clear that the transfer has been made in view of the administrative exigency according to the learned State Counsel.

[3.] The learned State Counsel has further produced Communication dated 07.06.2023 written by the District Agriculture Officer, West Kameng District to the District Agriculture Officer, Lemmi, Pakke Kessang District forwarding LPC, Service Book, Vol-1 and GPF Pass Book of the petitioner. The Service Book and the other documents have been duly received by the addressee on 25.07.2023 as per the receipt attached to the said letter. The learned counsel therefore submits that the petitioner cannot be said to be still serving in the Office of the District Agriculture Officer, West Kameng District, Bomdila.

[4.] The learned counsel for the petitioner submits that the petitioner in fact had submitted a representation before the Secretary to the Govt. of Arunachal Pradesh, Department of Agriculture on 09.06.2023 clearly mentioning about the health issues faced by him and the requirement for him to remain in Bomdila to avail the medical services available there. However, the representation has neither been considered nor disposed of till date.

[5.] Considering the above submissions, Court is of the considered view that the representation submitted by the petitioner be considered and disposed of by the Director of Agriculture Department, Govt. of Arunachal Pradesh who is said to be the controlling authority. Accordingly, the petitioner is directed to submit a fresh representation to the Director of Agriculture Department, Govt. of Arunachal Pradesh. within a week from today and the Director upon receipt of the same shall consider the representation and dispose of the same within a period of ten (10) days thereafter by way of a speaking order.

[6.] Writ petition accordingly stands disposed of.

JUDGE

Comparing Assistant