

GAHC040010832023



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

Case No. : WP(C)/373/2023

S K Jawal
Presently serving as DFDO, Khonsa, PO/PS Khonsa, Tirap District, Arunachal Pradesh.

VERSUS

THE STATE OF AP and 2 Ors.
Represented by the Commissioner, Department of Fisheries, Govt. of Arunachal Pradesh, Itanagar. 2:the Under Secretary
Age: 0
Occupation :

3:Kakoty Borang
Age: 0
Occupation

Advocate for the Petitioner : Abhai Kumar Singh

Advocate for the Respondent : GA (AP)

**BEFORE
HONBLE MR. JUSTICE NELSON SAILO**

ORDER

Date : 16-08-2023

Heard Mr. A. K. Singh, learned counsel for the petitioner. Also heard Mr. R. H. Nabam, learned Additional Advocate General appearing for the respondent Nos. 1 & 2.

Having regard to the nature of controversy projected by the petitioner, the writ petition is taken up for disposal at this stage.

By filing this writ petition, the petitioner has challenged the order dated 01.08.2023 (annexure-I) by which he has been transferred from Khonsa to Anjaw. The post held by the petitioner is the post of District Fishery Development Officer (DFDO). By the same order, the respondent No. 3 who according to the petitioner is only an Extension Officer (Fisheries) has been sought to be transferred to the post of DFDO, Khonsa. The learned counsel for the petitioner contents that since the respondent No. 3 is in lower post of Extension Officer (Fisheries) he cannot be replaced by him in the post of DFDO, Khonsa. In support of his submission the learned counsel has relied upon the decision of this Court rendered in ***Hibu Tama, SE vs. State of Arunachal Pradesh &Anr. reported in 2020 (4) GLT 503.***

The learned counsel also submits that against the transfer order dated 01.08.2023, the petitioner submitted a representation before the Principal Secretary, Fishery, Government of Arunachal Pradesh on 10.08.2023 (annexure-V) but the same has neither been considered nor disposed of till date.

In the said representation, it is seen that the petitioner apart from projecting his personal ground has also taken the stand that the respondent No. 3 is not qualified to replace him as DFDO, Khonsa. Considering the pendency of the representation, instead of entering into the merits of the case, this Court is of the view that the representation should be considered and disposed of by the respondent authority concerned by way of a speaking and reasoned order within a specific time frame.

Mr. R. H. Nabam, learned Additional Advocate General submits that he has no objection if a direction is given to the respondent authority concerned to consider and dispose the representation of the petitioner within a time frame.

In view of above, this writ petition is disposed of with a direction to the Secretary to the Government of Arunachal Pradesh, Department of Fisheries (respondent No. 1) to consider and dispose of the representation dated 10.08.2023 by way of a speaking and reasoned order within a period of 7 days from the date of receipt of the certified copy of this order.

The order so passed shall be communicated to the petitioner. Till then, the status-quo as on date be maintained.

JUDGE

Comparing Assistant