

GAHC040013242022



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

Case No. : WP(C) 412/2022

1:Atin Padung
S/o Late Tatan Padung,
Resident of Village Ledum, Bilat, PO and PS Pasighat, District East Siang, Arunachal Pradesh. Contact No. 9612332666

VERSUS

1:THE STATE OF AP and Anr.
Through the Chief Secretary, Govt. of Arunachal Pradesh, Itanagar.

2:The Deputy Commissioner
Kamle District
Govt. of Arunachal Pradesh
PO and PS Raga
Arunachal Pradesh

Advocate for the Petitioner : Hage Lampu

Advocate for the Respondent : GA (AP)

**BEFORE
HONBLE MR. JUSTICE NANI TAGIA**

ORDER

Date : 15.03.2023

Heard Mr. T. J. Dogum, learned counsel for the petitioner. Also heard Mr. S. Tapin, learned Senior Government Advocate representing the State.

Order put to challenge is dated 23.09.2022, issued by the Chief Secretary, Government of Arunachal Pradesh, vide no. PERS-12012/18/2021/312, whereby, the petitioner, who is an Arunachal Pradesh Civil Services (APCS) Officer in Selection Grade working as In-charge Additional Deputy Commissioner (ADC), Kamle has been posted as Sub-Divisional Officer (SDO), Khonsa.

The sole ground on which, the transfer of the petitioner by the impugned order dated 23.09.2022, has been challenged is that the petitioner, who is an In-Charge ADC, Kamle has been demoted by posting him as SDO, Khonsa, which is a post lower than ADC.

The State respondents in the counter-affidavit filed have stated that the post of ADC, under the Rules, is to be manned by a APCS Officer belonging to an Administrative Grade. The petitioner herein does not belong to APCS, Administrative Grade, but, the petitioner belongs to APCS, Selection Grade and the post of SDO, under the Rules, is to be manned by an APCS Officer belonging to a Selection Grade.

Accordingly, the respondent authorities in the counter-affidavit filed contends that the petitioner has been given an appropriate posting in the

Grade the petitioner deserves in accordance with the Rules and there is no demotion of the petitioner by posting him as SDO, Khonsa as the petitioner was only an In-charge ADC, Kamle, which post, the petitioner was otherwise not eligible to hold by virtue of the petitioner being APCS Selection Grade.

The petitioner is an APCS (Selection Grade) Officer not entitled to be posted as ADC is not in dispute. It is also not in dispute that the post of SDO is to be manned by an APCS (Selection Grade) Officer, under the Rules. In view thereof, and also taking into account of the fact that the petitioner has served in the District of Kamle for the past 2(two) years, which is the normal tenure of posting of a Government employee at a particular place, I am of the view that no interference is called for to the impugned order dated 23.09.2022, issued by the Chief Secretary, Government of Arunachal Pradesh, vide no. PERS-12012/18/2021/312, transferring the petitioner, In-charge Additional Deputy Commissioner, Kamle, as Sub-Divisional Officer, Khonsa.

This writ petition accordingly stands dismissed being devoid of merit.

Interim order passed earlier, if any, stands vacated.

JUDGE

Comparing Assistant