

GAHC040017242023



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

Case No. : WP(C)/610/2023

Smti Nyater Riba
W/o Shri Tarasingh Givo, Supervisor (ICDS), Pasighat ICDS Project, PO/PS
Pasighat, District East Siang, Arunachal Pradesh

VERSUS

The State of AP and 3 Others
represented by the Secretary, Women and Child Development Department, Govt. of
Arunachal Pradesh, Itanagar.

2:The Director
Women & Child Development Department, Govt. of Arunachal Pradesh, Itanagar.

3:The Child Development Project Officer
Pasighat ICDS Project, District-East Siang Arunachal Pradesh

4:Smti Yayi Riba
Supervisor(ICDS), Pasighat ICDS Project, PO/PS- Pasighat, District-East Siang,
Arunachal Pradesh.

Advocate for the Petitioner : Tabung Nonang

Advocate for the Respondent : GA (AP)

**BEFORE
HONBLE MR. JUSTICE KARDAK ETE**

ORDER

Date : 18-12-2023

Heard Mr. L. Perme, learned counsel for the petitioner. Also heard Ms. R. Basar, learned Government Advocate representing the respondent Nos. 1, 2 & 3.

2. In view of the nature of the order propose to be passed in this writ petition, this Court deem it fit to dispose of the writ petition without issuing notice to the respondent No. 4 as no prejudice would be caused to her.

3. By instituting this writ petition, the petitioner has challenged the transfer and posting order No. DWCD-11/15/2021/2127-2133 dated 05.10.2023, issued on 07.10.2023 passed by the Director, Women and Child Development Department, Govt of Arunachal Pradesh whereby, the petitioner has been transferred from Pasighat ICDS Project to Namsai ICDS Project and in her place the respondent No. 4 has been posted.

4. The learned counsel for the petitioner submits that the impugned transfer order dated 05.10.2023 has been issued by the respondent authority on 07.10.2023 only to accommodate the private respondent No. 4. He submits that

the petitioner's husband is having serious ailment who is serving as Assistant Professor at JN College, Pasighat. Besides that, the petitioner has 3(three) minor school going children and it is the mid-academic session of her children. The learned counsel for the petitioner further submits that she is entitled to joint posting with her husband who is also serving at Pasighat having serious ailments.

5. In such situation the learned counsel for the petitioner prays for setting aside the transfer order dated 05.10.2023 issued on 07.10.2023 passed by the Director, Women and Child Development Department. Govt. of Arunachal Pradesh.

6. On the other hand, Ms. R. Basar, learned Government Advocate submits that the grounds projected by the petitioner like joint posting, ailment of the husband as well as the mid-academic session of her children are matters to be considered by the authority in accordance with the law. Therefore, the writ petition deserves dismissal as the transfer and posting of an employee is an incidence of service.

7. Considering the above submissions of the learned counsel for the parties, this Court finds no reason to interfere with the transfer and posting order dated 05.10.2023. The grounds sought to be projected by the petitioner are matters

to be considered by the appropriate authority taking into account of the welfare of its employee. It is noticed that the petitioner has submitted her representation on 17.11.2023 before the Secretary of Women and Child Development Department, Govt. of Arunachal Pradesh.

8. In view of above facts and circumstances of the matter, this writ petition is disposed of with a direction to the petitioner to file representation before the Director, Women and Child Development Department, Govt. of Arunachal Pradesh within 3(three) days from today. On such filing of representation by the petitioner, the respondent No. 2 i.e., Director, Women and Child Development Department, Govt. of Arunachal Pradesh shall consider and dispose of the representation within 7(Seven) days. Till the disposal of the representation by the respondent No. 2, status quo in respect of petitioner shall be maintained. However, it is made clear that the transfer and posting of respondent No. 4 shall not be disturbed.

9. With the above observation, this writ petition stands disposed of.

JUDGE

Comparing Assistant