

GAHC040017852023



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

Case No. : WP(C)/639/2023

Smti Nikh Sita,
Wife of Nikh Kamin, aged about 47 years,
presently residing at D-Sector, Naharlagun,
P.O-P.S- Naharlagun, Papum Pare District,
Arunachal Pradesh.

VERSUS

The State of Arunachal Pradesh
represented by the Secretary, Food & Civil Supplies,
Government of Arunachal Pradesh.

The Secretary, Food and Civil Supplies,
Government of Arunachal Pradesh, Itanagar.

The under Secretary (Food & Civil Supplies),
Government of Arunachal Pradesh, Itanagar.

The Director, Directorate of Food & Civil Supplies ,
Government of Arunachal Pradesh, Naharlagun.

Shri Amit Bengia, office of the Director,
Food & Civil Supplies, Naharlagun, P.O/P.S-
Naharlagun, Papum Pare District, Arunachal Pradesh.

Advocate for the Petitioner : Mr. D. Panging, Ms. D Tamuk

Advocate for the Respondent : P. Pangu GA (AP)

**BEFORE
HONBLE MR. JUSTICE KARDAK ETE**

ORDER

Date : 22.12.2023

Heard Mr. D. Panging, learned counsel for the petitioner. Also heard Ms. P. Pangu, learned Government Advocate representing the respondent Nos. 1 to 4.

The present petition is proposed to be disposed of in view of the nature of the limited prayer made by the learned counsel for the petitioner at the motion stage as the order propose to be passed by this Court would not cause any prejudice to the respondent No. 5.

By filing this application, the petitioner has challenged the impugned transfer No. DFCS-11017/2/2022-DFCS-Director of Food and Civil Supplies-Part(I) dated 06.12.2023 passed by the Secretary Food and Civil Supplies, Government of Arunachal Pradesh by which the petitioner has been transferred from Director (HQ), Food & Civil Supplies, Naharlagun to Bomdila as District Food and Civil Supplies Officer, West Kameng District.

The only grievance of the petitioner against the transfer order dated 16.12.2023 is on the medical ground on account of the ailment of the petitioner's mother who is suffering from IV Stage Breast Cancer as she is at the moment staying with the petitioner who is the primary caregiver of her mother

and as much due to such medical condition of her mother, she requires constant palliative care.

Mr. D. Panging, learned counsel for the petitioner submits that the petitioner has been informed that the petitioner's representation would not be entertained as the petitioner was initially proposed to be transferred to Yupia, however, at the instance of higher ups the petitioner has been posted to Bomdila and as such being left with no option, the petitioner is approaching this Court only on the ground of serious ailment of her mother for consideration that she may be posted within an around the capital complex so as to enable her to take care of her ailing mother.

Mr. P. Pangu, learned Government Advocate fairly submits that she has no objection for a direction to dispose of the representation of the petitioner considering the health issue of the mother of the petitioner. However, she submits that it is prerogative of the respondent authority to consider the grievance raised by the petitioner in the interest of public service.

Considering the submissions of the learned counsel for the parties and also considering that the mother of the petitioner is having serious ailment particularly IV State Breast Cancer for whom the petitioner is the only caregiver, this writ petition is disposed of with a direction to the petitioner to file a fresh representation before the respondent No. 2 i.e., the Secretary, Food & Civil Supplies, Government of Arunachal Pradesh, Itanagar within a period of 5(five) days from today.

On filing of such representation, the respondent No. 2 i.e., the Secretary, Food & Civil Supplies, Government of Arunachal Pradesh is directed to dispose of the representation taking into consideration of the ailment of the mother of the petitioner as she is suffering from IV Stage Breast Cancer within a period of 2(two) weeks. Till the disposal of the representation, status-quo in respect of the petitioner be maintained.

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

JUDGE

Comparing Assistant