

GAHC040002892024



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

Case No. : WP(C)/94/2024

Prawanso Pul

Son of Late Allokthok Pul, resident of Changung Village, PO Hawaii, Anjaw District,
and presently serving as Junior Engineer (Civil) in the office of Executive Engineer,
Hayuliang Division, PWD, Arunachal Pradesh, Hayuliang

VERSUS

The State of AP and 2 Ors

represented by the Commissioner, Public Works Department, Govt of Arunachal
Pradesh, Itanagar

2:The Superintending Engineer

Coordination, Public Works Department, Arunachal Pradesh, Itanagar.

3:The Executive Engineer

Hayuliang Division, PWD, Arunachal Pradesh, Hayuliang.

Advocate for the Petitioner : Marto Kato

Advocate for the Respondent : GA (AP)

**BEFORE
HONBLE MR. JUSTICE N. UNNI KRISHNAN NAIR**

ORDER

Date : 04-03-2024

Heard Mr. M. Kato, the learned counsel for the petitioner and Mr. N. Ratan, the learned Additional Advocate General for the State respondents.

2. The present proceeding has been instituted by the petitioner being aggrieved by an Order dated 23.02.2024, transferring the petitioner from the office of the Executive Engineer, Hayuliang Division, PWD, AP, Hayuliang to the office of the Executive Engineer, Lumla Division, PWD, A.P., Lumla.

3. Mr. Kato, the learned counsel for the petitioner submits that the transfer of the petitioner was ordered without there being any administrative exigency and/ or public interest involved. The learned counsel for the petitioner by drawing the attention of this Court to the Order dated 23.02.2024, has submitted that the said order also does not reflect that it was passed in view of any public interest and/ or administrative exigencies. It is further submitted that petitioner had submitted a representation before the authority issuing the order dated 23.02.2024, on 01.03.2024, and the same is said to be pending till date.

4. Without entering into the merits of the matter, the Superintending Engineer, Coordination, Public Works Department, Arunachal Pradesh, Itanagar and/or any other authority competent to order transfers like the one involved in the order dated 23.02.2024, is hereby directed to take on record said representation dated 01.03.2024, and to dispose of the same by way of issuance of a reasoned order. Such representation be disposed of by the Superintending Engineer, Coordination (PWD) and/ or any other authority competent in the matter, within a period of 1(one) month from the date of receipt of certified copy of this order and the decision thereof be communicated to the petitioner in the form of a Speaking order.

5. The petitioner is also permitted to file an additional representation bringing on record further contentions as may be called for and he would submit the same along with certified copy of this order before the Superintending Engineer, Coordination, Public Works Department, Arunachal Pradesh, Itanagar within a period of 7(seven) days from today. The contention as may be made in the additional representation be also noted while considering the representation dated 01.03.2024.

6. Till the issuance of the Speaking Order as required herein above, after completion of the exercise so required, the order dated

23.02.2024, shall not be given effect to by the respondent authorities.

7. With the above observations and directions, the writ petition stands disposed of.

JUDGE

Comparing Assistant