

GAHC040003432024



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

Case No. : WP(C)/106/2024

Lalum Jeram

Son of late Rumte Jeram, Assistant Engineer (F), PHE and WS Division,
Daporijo, Upper Subansiri District, Arunachal Pradesh

VERSUS

1. The State of Arunachal Pradesh, represented by The Secretary, PHE &
WS Department, Government of Arunachal Pradesh, Itanagar.

2. The Superintending Engineer, PHE & WS, Yachuli Circle, Govt. of A.P,
Itanagar.

3. The Executive Engineer, PHE & WS Division, Daporijo, Upper Subansiri
district, A.P

4. Shri Taya Doni, Assistant Engineer, Khonsa, PHE & WS Sub- Division,
Tirap District, A.P- 792130

5. Shri Lova Yekar, Assistant Engineer(F), Deomali OHE & WS Sub-
Division, Tirap district, A.P- 792129.

6. Shri Gomo Riba, Assistant Engineer (F), Anjaw PHE & WS sub
Division, Anjaw district, Arunachal Pradesh- 792104

Advocate for the Petitioner : Duge Soki

Advocate for the Respondent : GA (AP)

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

ORDER

Date : 12-03-2024

Heard Mr. D. Soki, learned counsel for the petitioner. Also heard Mr. S. Tapin, learned Senior Government Advocate for the State respondents.

2. The petitioner, by way of instituting the present proceedings has raised a grievance against the order dated 04.03.2024, passed by the Secretary, PHE&WS Department, Govt. of Arunachal Pradesh, by which, he was transferred and posted from Anjaw PHE Sub-Division to Deomali PHE Sub-Division.

3. The petitioner, who is presently working as an Assistant Engineer (Functional) in the Public Health Engineering & Water Supply Department and posted at Anjaw, PHE Sub-Division, was vide order dated 04.03.2024 transferred and posted in the same capacity to Deomali PHE Sub-Division. Being aggrieved, the petitioner had preferred a representation dated 08.03.2024 before the Secretary, PHE&WS Department praying for cancellation of his said order of transfer, *inter-alia* on the ground that his daughter is presently studying in Class-XII and currently, appearing in her Class-XII exams and accordingly, his presence is very much required at this stage. The petitioner has also stated, therein, that his mother on account of old age ailments is bedridden and accordingly, he is required to take care of his mother and in the event of his transfer, he would not be able to provide necessary care and attention to his ailing mother, inasmuch as she is not in a position to move along with him to his new place of posting. The said representation having not been considered; the present proceedings have been instituted by the petitioner.

4. It is to be noted that transfer is an incidence of service and the petitioner seems to have been posted in the present place of posting for a considerable period of time. However, without entering into the merits of the matter, it is provided that the respondent authority, more particularly, the Secretary, PHE&WS Department, Govt. of Arunachal Pradesh, shall take on record the said representation dated 08.03.2024 as preferred by the petitioner and thereafter, on considering the grounds as assigned by the petitioner against the order of his transfer dated 04.03.2024, pass a speaking order, thereon and communicate the same to the petitioner. The speaking order as required to be now passed by the said authority shall be so passed on or before 20.03.2024.

5. Till the passing of the said speaking order as directed, herein, the transfer order dated 04.03.2024, passed by the Secretary, PHE&WS Department, Govt. of Arunachal Pradesh, insofar as it concerns the petitioner, shall not be given effect to.

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

JUDGE

Comparing Assistant